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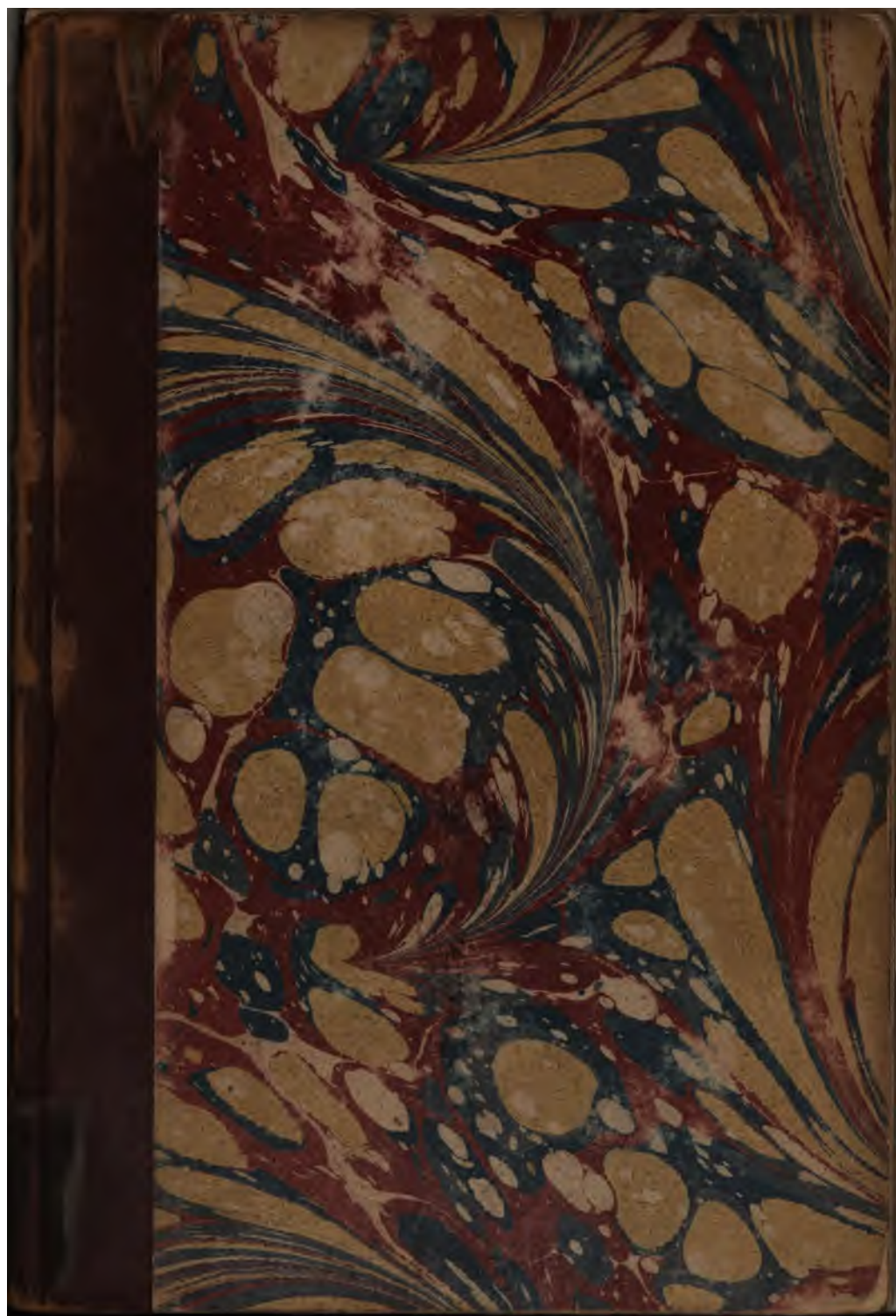
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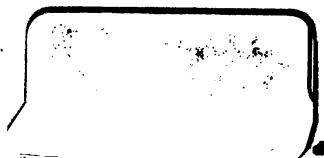
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M. T. CICERONIS
ORATIO
PRO TITO ANNIO MILONE

WITH A TRANSLATION OF ASCONIUS' INTRODUCTION
MARGINAL ANALYSIS AND ENGLISH NOTES.

Edited for the Syndics of the University Press

BY THE

REV. JOHN SMYTH PURTON M.A.

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THE text of Orelli has been generally followed in the present Edition, with occasional variations, adopted chiefly from Matthæi. The most important of the various readings have been specified in the foot-notes appended to the Text. The numbering of the Sections, as arranged by Orelli and other modern editors of Cicero, has been retained for purposes of reference, and is denoted by the smaller figures in the margin.



INTRODUCTION

BY

Q. ASCONIUS PEDIANUS¹.

1 C^ICERO delivered his defence of Milo on the eighth of April [B. C. 52, U. C. 702], and in the third consulate of Cnæus Pompeius. During the progress of the trial the Forum and all the temples in its neighbourhood were occupied by troops, as we learn, not only from the following speech [§§ 1, 2] and the records of the period, but also from the treatise ascribed to Cicero, entitled *De optimo genere Oratorum*. [ch. 4. § 10].

2 The candidates for the office of consul [in the year 52] were T. Annius Milo², P. Plautius Hypsæus³, and

¹ Q. ASCONIUS PEDIANUS was born about the commencement of the Christian era. He wrote commentaries on the speeches of Cicero, fragments of which are still extant. The genuineness of those on the *Divinatio* and the first two speeches against *Verres* has been disputed by Madvig and other modern critics: see Madvig's *Disputatio Critica de Q. Ascon. Ped. Commentariis*.

² MILO was a name common amongst gladiators in the south of Italy, and therefore, probably, a nickname given to him on account of his notoriety as captain of some of the paid assassins which infested Rome and its environs at this time. His real name was Titus Annius Papianus; the second being derived from his adoption by T. Annius Luscus, his maternal grandfather; the third, from

his father C. Papius Celsus, who married Annia. He was born at Lanuvium, and in B. C. 57 married Fausta, daughter of the dictator Sulla. In the same year, as tribune of the plebs, he came into collision with the ex-tribune Clodius. Failing in an attempt to prosecute him for his acts of violence, he collected a band of armed gladiators; and thus began the series of contests which ended so fatally in the death of Clodius. In the year 53, when canvassing for the consulate, he was charged in the senate with insolvency by Clodius, and defended by Cicero in a speech entitled *de are alieno Milonis*, of which only a few fragments remain. The events with which the next year opened form the subject of the present speech.

³ P. Plautius Hypsæus was tribune of the plebs in B. C. 54, and afterwards

Q. Metellus Scipio⁴. Their canvass was conducted with the help of parties of armed ruffians, together with the most shameless and unstinted bribery. The principal supporter of Scipio and Hypsæus against Milo was P. Clodius⁵. A bitter enmity had existed for some time between Clodius and Milo, on account of Cicero's friendship for the latter, and the activity displayed by Milo in promoting the orator's recall from banishment, [B. C. 57]. So great was the hostility between them, that they had often come to blows within the city at the head of their respective clubs, each of them being a match for the other in audacity, though Milo had the advantage of fighting for the better cause. Clodius was himself aspiring to a prætorship in 52, and therefore had an additional motive for opposing Milo, whose elevation to the consulate in the same year would greatly thwart the execution of his own designs. The meetings of the comitia for the election of consuls had been long protracted⁶, and at last rendered quite impracticable by the scandalous contests of the candidates; so that there were neither consuls nor prætors in the month of January [B. C. 52]. In the meantime Milo made strenuous endea-

banished for bribery during his canvass for the consulate.

⁴ Q. Metellus Pius Scipio was prosecuted for bribery together with Hypsæus, but escaped conviction through the influence of Pompeius. On the first of August, B. C. 52, he became the colleague of Pompeius in the consulate, to whose cause he attached himself in the civil war. He was finally defeated by Cæsar at the battle of Thapsus in Africa, B. C. 46. In endeavouring to escape to Spain, his squadron was overpowered by the fleet of P. Sittius, in consequence of which he stabbed himself, and leaped into the sea.

⁵ P. Clodius Pulcher was a member of the Claudian family, and de-

scended from a long line of illustrious ancestors, most of whom were named Claudius, and others Clodius. He is himself called Claudius by Dion Cassius (xxxv. 14). For an account of his eventful life see Dr Smith's *Diet. of Biography*, art. *Claudius*; Mr Merivale's *Hist. of the Romans under the Empire*, Vol. I.; and Middleton's *Life of Cicero*. The German student will also find ample information in the second volume of Drumann's *Geschichte Roms*.

⁶ Appian says that these delays took place with the connivance of Pompeius, who was intriguing for the dictatorship: Πομπηίου πάλ' ὑπεροπῶντος ἐπιτηδὲς, ἵνα ἐν χρεῖα γίνοντο δικτάτωρ. *Bell. Civ.* II. 20,

vours to obtain a final decision in his favour, and seemed to be on the eve of success. He was supported by the better class of citizens on account of his resistance to Clodius, and by the populace, because he had won them over to his side by bribes, dramatic exhibitions, and costly shows of gladiators, on which, as Cicero intimates, he had squandered no less than three fortunes⁷. The policy of his opponents, on the other hand, had been to cause as much delay as possible; and consequently the customary motion for convoking the patrician members of the senate to appoint an Interrex⁸ was defeated by Pompeius, who was son-in-law to Scipio⁹, and T. Munatius Plancus¹⁰, a tribune of the Plebs.

3 While matters were in this condition, Milo left the city on the twentieth of January (for I adopt the date mentioned in the speech, as agreeing with the registers, rather than that given by Fenestella¹¹, who says it was on the nineteenth) for his native town Lanuvium, of which he was dictator, in order to nominate a Flamen on the following day¹². He was met about two o'clock in the after-

⁷ See Notes on ch. 35. § 95. In the year B.C. 54 Cicero thus writes to his brother Quintus: 'Angit unus Milo: sed velim finem afferat consumatus; in quo enitar non minus quam sum enisus in nostro...De quo cetera (nisi plane vis eripuerit) recte sunt: de re familiari timeo:

'Ο δὲ μαίνεται οὐκ ἐν ἀνεκτῶς, qui ludos H. S. CCCI. comparet.' *Ad Q. F.* III. 9.

⁸ The duty of the Interrex was to hold the comitia for the election of consuls, when the consuls had been unable to do so in their own year of office. A fresh one was appointed every five days until the consuls were elected. Plebeians were not eligible to this post, and consequently only the patrician members of the senate took part in the election of Interreges. (See *Liv.* IV. 43; *Cic. pro Domo*, c. 14. § 38).

⁹ Cnæus Pompeius married Cornelia, the daughter of Metellus Scipio, after the death of Julia.

¹⁰ T. Munatius Plancus Bursa was brought to trial at the close of his tribunate, for the part he took in the burning of the Curia Hostilia, Cicero being his accuser. He was condemned, and afterwards joined Cæsar at Ravenna. Cicero, in a letter to M. Marius, says that the condemnation of Plancus gave him greater pleasure than the death of Clodius. *Ad Fam.* VII. 2.

¹¹ A Roman annalist in the reign of Augustus. A few fragments remain of his work entitled *Annales*. It is frequently referred to by Asconius, Plinius the naturalist, and Anulus Gellius.

¹² See Notes on chap. 10. § 27. According to Appian, Milo returned

noon by Clodius, just beyond Bovillæ¹³, near the spot on which the chapel of Bona Dea¹⁴ stands. The latter was returning from Aricia¹⁵, after an interview with the councillors¹⁶ of that town, on horseback, and accompanied by nearly thirty slaves wearing swords, and in other respects equipped for fighting, according to the practice of travellers at that period¹⁷. Clodius had also three friends with him, one of whom was a Roman knight named C. Cassinius Schola¹⁸, and the other two, whose names were P. Pomponius and C. Clodius, were plebeians of obscure family. Milo was riding in a travelling carriage with his wife Fausta, daughter of L. Sulla the dictator, and his friend M. Fufius. They were followed by a large body of slaves, some of whom were gladiators, two notorious ones named Eudamus and Birria being of the number. The latter, who were in the rear and going rather slowly, picked a quarrel with the slaves of Clodius, who, on looking round at the affray with an air of defiance, was run through the shoulder by Birria with a rapier¹⁹. A fight ensued; and some more of Milo's party ran up to the spot. Clodius was carried, wounded, into a tavern²⁰ in the district of Bovillæ. Hearing this, and feeling that, if he lived, the occurrence would be even then attended with some danger to himself, but that

from Rome disgusted at the delays which had taken place, and the treachery of Pompeius: βαρυθυμῶν ὁ Μίλων, ὡς καὶ περὶ αὐτὸν ἀπίστου γιγνομένου τοῦ Πομπηίου, ἐς τὴν πατρίδα Λαοῦβιον ἐξῆλθε. *Bell. Cív.* II. 20.

¹³ About twelve miles from Rome. Cicero in a letter to Atticus, written B. C. 51, facetiously speaks of this rencontre as 'the battle of Bovillæ' (*post pugnam Bovillanam*); *ad Att.* v. 14. § 1.

¹⁴ See Notes on chap. 31. § 86.

¹⁵ See Notes on chap. 19. § 51.

¹⁶ *decuriones*. The *decuriones* of a municipal town in the provinces corresponded to the Roman senate.

¹⁷ As Niebuhr has observed, 'just as our nobles used to travel in the 16th and 17th centuries.' *Lectures*, Vol. II. p. 44.

¹⁸ See chap. 17. § 46.

¹⁹ *humerum rhomphæa trajecit: ἐπάταξεν ἐς τὸ μετάφρενον ξιφιδίῳ*. Appian, *B. C.* II. 21. The precise nature of the weapon called 'rhomphæa' is not known, but it was probably a short sword with a double edge, that could be used for thrusting as well as cutting.

²⁰ Καὶ τὸν μὲν αἵματι ῥέομενον ἐς τὸ πλῆσιον πανδοκεῖον ὁ ἱππόκομος ἐσέφερεν. Appian.

it would be a great relief to him if Clodius were killed, even though he himself had to suffer for it, Milo ordered him to be hunted out of the tavern²¹. M. Fustenus led on the slaves of Milo; and by this means Clodius was dragged forth from his hiding-place, and despatched with several wounds²². His corpse was left in the road, as the slaves of Clodius were either killed, or in concealment and severely wounded. A senator named Sextus Tediū, who happened to be returning to the city from the country, picked it up, and ordered it to be conveyed to Rome in his own palanquin, while he himself returned to the place from which he had come. The body of Clodius arrived at Rome before seven o'clock in the evening, and after it had been placed in the hall of his house, was surrounded by crowds of slaves and the lowest rabble, who loudly expressed their sorrow for his fate. His wife Fulvia²³ also inflamed the bad passions excited on the occasion by profuse demonstrations of grief, while displaying his wounds to the populace. At daybreak on the following day a still larger crowd of people of the same class poured in, and several persons of distinction were crushed to death, amongst others a senator named C. Vibienus²⁴. I may mention that the house of Clodius

²¹ Or, perhaps, 'ordered the tavern to be cleared,' if we retain the common reading, 'exturbari *tabernam*,' which Madvig has altered on conjecture into 'exturbari *taberna*,' with the remark, 'quasi taberna latitans ejicienda fuerit.'

²² Comp. App. II. 21: ὁ δὲ Μίλων μετὰ τῶν θεραπόντων ἐπιστάς ἐτι ἔμπροσθεν ἢ καὶ νεκρὸν ἐπαγεῖλεν, ὑποκρινόμενος μὲν οὐ βουλευσάι τὸν φόνον οὐδὲ προστάξαι· ὡς δὲ κινδυνεύσων ἐξάπαντος, ἡξίου τὸ ἔργον οὐκ ἀτελεῖς καταλιπεῖν. See also Dion Cass. XI. 48. Cicero himself admits in a letter to Atticus (written B.C. 57), that Milo would not then have hesitated to kill Clodius with his

own hands, if he had come in his way: 'si se inter viam obtulerit, occisum iri ab ipso Milone video: non dubitat facere; prae se fert; casum illum nostrum (i.e. banishment) non extimescit;' *ad Att.* IV. 3. The brevity and vagueness of Cicero's own account of the matter in his speech (chap. 10) leaves the impression that he could not venture to be more particular without injury to his cause.

²³ The same unamiable lady who afterwards, as the wife of M. Antonius the triumvir, is said to have pierced the tongue of Cicero with a needle, when his head was exposed to public view.

²⁴ See chap. 14. § 37.

was on the Palatine Hill, and had been purchased by him from M. Scaurus a few months before. Two tribunes of the plebs, Munatius Plancus, brother of the orator L. Plancus²⁵, and Q. Pompeius Rufus²⁶, Sulla's grandson by his daughter, hastened thither, and at their instigation the mob conveyed the body to the Forum (with nothing on but shoes²⁷, just as it had been laid on the bed naked, in order that the wounds might be seen), and exposed it on the Rostra. A meeting took place, at which Plancus and Pompeius, who took the part of Scipio and Hypsæus, heaped odium on Milo. The people, headed by a clerk²⁸ named Sextus Clodius, then carried the corpse into the Senate-house²⁹, and burnt it with the benches, tables, desks, and manuscripts which they found there; by which means the Senate-house itself was set on fire, together with the Porcian Basilica³⁰ next door to it. The same mob proceeded to attack the house of the Interrex M. Lepidus³¹, (who had been appointed a superior magistrate), and also that of

²⁵ L. Munatius Plancus took an active part in the civil war on the side of Cæsar; he was one of Cicero's correspondents (see *ad Fam.* x. 1—24); and Horace addressed to him the ode (1. 7.) commencing 'Laudabunt alii, &c.' Nothing is known of him as an orator.

²⁶ Q. Pompeius Rufus, son of Cornelia, the daughter of Sulla, was afterwards impeached *de vi* by Cælius, and condemned.

²⁷ *calceatum*. The reading here is uncertain. Orelli marks *caldatum* as corrupt, and proposes *calcatum* = *oblitum cruore et luto* in the speech, § 86. *Calceatum* is adopted by Manutius.

²⁸ *scriba*. He was probably descended from a freedman of the Claudian house. Clodius had employed him when tribune in drawing up the laws which he proposed. Comp.

speech, § 33. He was afterwards brought to trial and condemned.

²⁹ Comp. App. B.C. II. 21: ἀρπάσαντες δ' αὐτὸ (τὸ σῶμα) τῶν τε δημάρχων ἐνιοὶ καὶ οἱ φίλοι τοῦ Κλωδίου καὶ πλῆθος ἄλλο σὺν ἐκείνοις ἐς τὸ βουλευτήριον ἐκόμισαν, εἶτε ἐπὶ τιμῇ, βουλευτικοῦ γένους ὄντα, εἶτε εἰς ὄνειδος τῆς βουλῆς τοιαύδε περιώσης. See Notes on chap. 33. § 90.

³⁰ So called from the censor M. Porcius Cato. Liv. xxxix. 44.

³¹ M. Æmilius Lepidus, who afterwards became a triumvir. He had refused to hold the comitia for the election of consuls, on the ground that it was not usual for the first Interrex to do so; which gave offence to the Clodian mob. 'Domum ejus per omnes interregni dies...obsederunt. Deinde, omni vi janna expugnata, et imagines majorum dejecerunt, et lectulum adversum uxoris ejus Corneliæ

Milo³², in his absence; they were, however, repulsed with arrows from them both. Thereupon they carried off the fasces from the couch of Libitina, and took them to the house of Scipio and Hypsæus first, and then to the gardens of Cn. Pompeius, shouting out his name as they went along, sometimes as consul, sometimes as dictator.

4 The burning of the Senate-house excited public indignation still more strongly than the fate of Clodius. Reassured by the odium thus cast upon his adversaries, Milo, who, though generally thought to have gone into voluntary exile, had returned to Rome the very night on which the Senate-house was set on fire, was now proceeding with his canvass as actively as ever³³, openly distributing amongst the tribes 1000 *ases* (more than £2. of English money) to each voter³⁴. A few days afterwards the tribune Cælius³⁵ gave Milo an opportunity of addressing the people, and spoke himself in vindication of his conduct, both of them asserting that Milo was waylaid by Clodius³⁶.

...fregerunt, itemque telas quæ ex vetere more in atrio texebantur diruerunt; postque supervenit Milonis manus et ipsa postulans comitia; cujus adventus fuit saluti Lepido; in se enim conversæ sunt factiones inimicæ.' Asconius, Notes on chap. v. § 13.

³² ὥστε προσέτι καὶ τὴν οἰκίαν τὴν τοῦ Μίλωνος καταφλέξει ἐπιχειρήσαι· ἐκείνη μενοῦν, πολλῶν αὐτῇ ἀμνομένων, οὐκ ἐκαύθη. Dion Cass. x. 49.

³³ According to Dion Cassius, Milo had at first concealed himself, but was afterwards emboldened to proceed with his canvass: ὁ δὲ δὴ Μίλων, τέως μὲν περίφοβος ἐπὶ τῷ φόνῳ ὧν, ἐκρύπτετο, οὐχ ὑπὸ ἰδιωτῶν μόνον ἀλλὰ καὶ ὑπὸ βουλευτῶν τε τινῶν φρουρούμενον· ἐπεὶ δὲ τοῦτο τε (the burning of the Senate-house) ἐγένετο καὶ τὴν ὀργὴν τῆς γερονσίας ἐς τὸ τῶν ἀντιστασιωτῶν μίσμα περι-

χωρήσειν ἤλπισε...προήει τε ἐς μέσον, καὶ τῆς ἀρχῆς ὁμοίως ἢ καὶ μᾶλλον ἀντεποίειτο. (x. 49).

³⁴ θεραπεύοντων οὖν καὶ ἀνδρῶν ἀγροίκων πλήθος ἀθροίσας καὶ ἐς τὸν δῆμον περιέμψας χρήματα...ἐς τὴν πόλιν κατῆει θρασύτατα. Appian.

³⁵ See speech, § 91. Appian says that Cælius had himself been bribed by Milo: τῶν δημάρχων Μάρκον Καίλιον πριάμενός.

³⁶ Comp. App. ii. 22: καὶ αὐτὸν (Milo) ὁ Καίλιος εὐθὺς ἐσιόντα εἴλκεν ἐς τὴν ἀγορὰν ἐπὶ τοὺς παρ' αὐτοῦ δεδωροδοκηκότας, ὥσπερ ἐπ' ἐκκλησίαν, ὑποκρινόμενος μὲν ἀνανακτεῖν καὶ οὐ διδόναι τῆς δίκης ἀναβολὴν, ἐλπίζων δὲ, εἰ αὐτὸν οἱ παρόντες μεθεῖεν, ἐκλύσειν τὴν δίκην τὴν ἀληθεστέραν. Καὶ Μίλων μὲν οὐ βουλευῖν τὸ ἔργον εἰπὼν (οὐ γὰρ ἂν μετὰ σκευῆς καὶ γυναικὸς ἐπὶ ταῦτα ὀρμησαι) τὸν λοιπὸν λόγον κατὰ τοῦ

5 Meanwhile fresh Interreges were succeeding one another, all of whom were unable to proceed to the election of consuls, on account of the disturbances excited by the candidates and the bodies of armed men that were still kept on foot. The Senate therefore passed a resolution that the Interrex for the time being and the tribunes of the plebs, together with Pompeius, then acting as proconsul near the city³⁷, should take such steps as might be necessary for the safety of the commonwealth³⁸; it was further ordered that Pompeius should be empowered to raise new levies throughout the whole of Italy³⁹. He in a very short time collected a sufficient force for the protection of the city. Soon afterwards, two youths, both of them named Appius Claudius, the sons of Caius Claudius brother of Publius⁴⁰, being desirous that their uncle's death should be investigated, and acting as it were in their father's name, applied to Pompeius for a summons requiring the pro-

Κλωδίου διετίθετο, ὡς θρασυτάτων δὴ καὶ φίλου θρασυτάτων, οἱ καὶ τὸ βουλευτήριον ἐπικατέπρησαν αὐτῷ. "Ἐτι δ' αὐτοῦ λέγοντος, οἱ τε λοιποὶ δῆμαρχοι καὶ τοῦ δήμου τὸ ἀδιάφθορον ἐνέβαλλον ἐς τὴν ἀγοράν. Καί-λιος μὲν δὴ καὶ Μίλων δούλων ἐσθῆ-τας ὑποδύντες ἀπέδρασαν· πολλὸν δὲ τῶν ἄλλων ἐγίγνετο φόβος, οὐ τοὺς Μίλωνος ἔτι φίλους ἐρευνώντων, ἀλλὰ τὸν ἐντυχόντα ἀναιρούντων ἀστὸν ὁμοῦ καὶ ξένον, καὶ μάλιστα ὅσοι ταῖς ἐσθῆσιν ἢ σφραγίσιν ἀπὸ χρυσοῦ διέφερον... ἔργον τε οὐδὲν αὐτοῖς ἀπῆν, ἀλλὰ καὶ ἐπ' οἰκίας ἐφέ-ροντο, καὶ περιϊόντες ἡρεύων, ἔργω μὲν τὰ εὐληπτὰ σφίσις ἅπαντα, λόγῳ δὲ τοὺς φίλους τοῦ Μίλωνος· πρόφασ-ίς τε ἦν αὐτοῖς ἐπὶ πολλὰς ἡμέρας καὶ πυρὸς καὶ λίθων καὶ παντὸς ἔργου Μίλων.

³⁷ A Proconsul could not exercise his military power (*imperium*) within the boundaries of the city. No comitia were required for his appointment, but he was nominated by a de-

cree of the Senate and people. See Livy ix. 42; x. 22.

³⁸ *ut viderent ne quid detrimenti res publica caperet*. This was equivalent to proclaiming martial law, and investing them with dictatorial authority. See speech, § 70, and comp. Dionys. Hal. v. 73.

³⁹ Comp. Dion Cass. xl. 49: μά-χαι τε οὖν ἐκ τούτου πολλαὶ καὶ σφα-γαὶ αὐθις ἐγίγοντο· ὥστε τὴν βου-λὴν... τὸν Πομπηίου μεταπέμψασθαι, καταλόγους τε αὐτῷ καινοὺς ποιή-σασθαι ἐπιτρέψαι, καὶ τὰ ἐσθῆματα ἀλλάξασθαι. 'Ἐλθόντος τε αὐτοῦ οὐ πολλῷ ὕστερον, ἔξω τε τοῦ Πωμη-ρίου πρὸς τῷ θεάτρῳ αὐτῷ σὺν φρου-ρᾷ ἦθροισαν, καὶ τὰ τοῦ Κλωδίου ὅσα ἀνελέσθαι ἐγινωσαν τὸ τε βου-λευτήριον τῷ Φαύστῳ τῷ τοῦ Σύλλου υἱῷ ἀνοικοδομῆσαι προσέταξαν.

⁴⁰ Caius Clodius was older than Publius; for the latter is called *minor frater* in the speech *pro Caelio*, c. 15. He appears to have been dead at the time of Milo's trial.

duction of the households of Milo and his wife Fausta, for examination by torture. The same two establishments of slaves were called for by two of the Valerii, named Nepos and Leo, and also by L. Herennius Balbus. The households of Clodius and his two companions were at the same time demanded by Cælius; and those of Hypsæus and Q. Pompeius by [his colleague Canianus?]

The counsel for Milo were Q. Hortensius, M. Cicero, M. Marcellus, M. Calidius, M. Cato⁴¹, and Faustus Sulla. Hortensius made a brief reply, in which he stated that the persons demanded to be given up as slaves were free, Milo having given them their liberty after the late bloodshed, on the ground that they had fought in his defence and saved his life.

6 These proceedings took place in the intercalary month⁴². About thirty days after Clodius was killed, Q. Metellus Scipio made a complaint against M. Cæpio in the Senate, denying the truth of the assertion that Milo was obliged to act as he did towards Clodius in self-defence. His account of the matter was, that Clodius went from Rome with six and twenty slaves for the purpose of having an interview with the councillors of Aricia; that about nine o'clock in the morning, as soon as the Senate rose, Milo set out with the determination of meeting Clodius on his return, accompanied by more than three hundred armed slaves, and made an unexpected attack on him above Bovillæ; that Clodius, having received three wounds, was carried to Bovillæ; that the tavern in which he took refuge was broken

⁴¹ Comp. Vell. Patere. II. 47: 'Milonem M. Cato palam lata absoluit sententia; quam si maturius tullisset, non defuissent qui sequerentur exemplum, probarentque eum civem occisum quo nemo perniciosior reipublicæ neque bonis inimicius vixerat.'

⁴² A short month, called *Mercedonius*, or more generally, *mensis intercalaris*, consisting of 22 or 23 days,

was intercalated at this time in alternate years between the 23rd and 24th of February (or, as the Romans would express it, between *a.d. vii. Kal. Mart.* and *a.d. vi. Kal. Mart.*), the latter being the first day of the intercalary month, and generally thus expressed: *a.d. vi. Kal. Mart. mense intercalario*. Comp. Notes on speech, § 98.

into by Milo, and Clodius dragged out more dead than alive, and killed on the Appian Road, his ring being taken from his finger, when dying; that afterwards Milo, who knew that a son of Clodius, quite a child, had lately come to his Alban villa, on finding that the boy had been taken away before he could get at him, put a slave named Alicor to such excruciating tortures, that he was literally hacked to pieces: he then cut the throats of the bailiff and two others. Of the slaves of Clodius who defended their master, eleven had been killed, while only two of Milo's had been wounded; that consequently Milo had next day emancipated twelve of them who had been most of service to him, and distributed 1000 *ases* a man among the tribes, to counteract reports that had been spread about himself. It was also said that Milo sent a message to Pompeius, who was a strong supporter of Hypsæus his former quæstor, expressing his willingness (if Pompeius wished it) to retire from the contest for the consulate. The reply was, that Pompeius could not give advice to any body on the subject either of commencing or desisting from a canvass, nor had he any wish to interfere with the powers, deliberations, or decisions of the Roman people. He was even said to have sent a communication afterwards through C. Lucilius, one of Milo's friends on account of Cicero's intimacy with Lucilius, requesting Milo not to bring him into difficulty by again consulting him upon this subject.

7 A rumour was now daily gathering strength that Pompeius was to be dictator, and that the disorders in the state could not be properly repressed by any other means. The nobles thought it best, however, to appoint him sole consul; and accordingly, after some debate upon the subject in the Senate, he was created consul on the twenty-fifth of February (intercalary month⁴³), by the Interrex Servius Sulpicius, according to a decree of the Senate

⁴³ See note above.

moved by M. Bibulus⁴⁴. He immediately entered on his office, and three days afterwards proposed the enactment of some new laws, two of which he published on the authority of a decree of the Senate; one against breaches of the public peace (*de vi*), amongst which he expressly included the case of bloodshed on the Appian Road, the burning of the Senate-house, and the attack on the house of the Interrex M. Lepidus; the other against corrupt practices at elections (*de ambitu*). The penalty for these offences was made more severe, and the forms of proceeding abridged; for both the laws enacted that the examination of witnesses should not last longer than three days, and that then both the accuser and the accused should close their pleadings on the same day, two hours being allowed to the accuser, and three to the accused⁴⁵. The tribune Cælius attempted, on the part of Milo, to oppose these measures on the ground that they were aimed at Milo personally⁴⁶, and that the trials were being unduly hastened. His persevering attacks upon them made Pom-

⁴⁴ Comp. Dion Cass. xi. 50: οἱ τε ἄλλοι βουλευταὶ καὶ Βίβουλος, ὅσπερ πρὸς τὴν γνώμην πρῶτος ἐρωτηθεὶς ποιήσεσθαι ἐμελλε, προκατέλαβον τὴν τοῦ πλήθους ὁρμὴν, τῷ Πομπηίῳ τὴν ὑπατείαν, ὥστε μὴ δικτάτωρα αὐτὸν λεχθῆναι, καὶ μόνον γε, ἵνα μὴ ὁ Καῖσαρ αὐτῷ συνάρξῃ, δόντες. Appian says that the Senate acted on the advice of Cato in appointing Pompeius sole consul (ii. 23). This difference may however be reconciled by the statement of Plutarch, that the motion of Bibulus was strongly seconded by Cato. (*Pompeius*, c. 54.)

⁴⁵ Tacitus affirms that this law was one of the causes that contributed to the decline of Roman eloquence: 'transeo ad formam et consuetudinem veterum iudiciorum; quæ etsi nunc apertior est veritati, eloquentiam tamen

illud forum magis exercebat, in quo nemo intra paucissimas horas perorare cogeatur, et liberæ comperendinationes erant, et modum dicendi sibi quisque sumebat, et numerus neque dierum neque patronorum finiebatur. Primus hæc tertio consulatu Gnaeus Pompeius astrinxit, imposuitque veluti frenos eloquentiæ.' *De Orat.* c. 38.

⁴⁶ *privilegium in Milonem ferri*. A law specially framed to meet the case of a particular individual was called *Privilegium*, and was forbidden by the Laws of the Twelve Tables. Comp. *pro Domo*, c. 16: 'quo exemplo legem nominatim de capite civis indemnati tulisti? Vetant leges sacratæ, vetant xii. Tabulæ leges privis hominibus irrogari; id est enim privilegium.' See also *de Legg.* iii. 4.

peius so indignant that he even threatened to use force, if he were compelled to do so, for the safety of the state.

8 Pompeius was, or pretended to be, afraid of Milo; he quitted his usual residence, and retired to his gardens on the higher grounds, round which a large body of soldiers were on guard. He had also upon one occasion [suddenly dismissed⁴⁷?] a meeting of the Senate, because he said he was afraid of Milo coming⁴⁸. At the next meeting P. Cornificius⁴⁹ affirmed that Milo had a weapon attached to his thigh beneath his tunic, and called on him to bare his thigh. Milo lifted up his tunic without hesitation; whereupon Cicero exclaimed that this was only a sample of all

⁴⁷ The text is mutilated here. Orelli proposes to fill up the gap with the words *repente dimiserat*; others insert in *porticu sua habuerat*.

⁴⁸ Asconius adds the following particulars in his note on chap. 25. § 67: 'diximus in argumento orationis hujus Cn. Pompeium simulasse se timere, seu plane timuisse Milonem, et ideo ne domi quidem suæ sed in hortis superioribus ante judicium mansisset, ita ut villam quoque præsidio militum circumdaret. Q. Pompeius, tribunus plebis, qui fuerat familiarissimus omnium P. Clodio et sectam sequi se palam profitebatur, dixerat in concione paucis post diebus quam Clodius erat occisus: '*Milo dedit quem in Curia cremaretis; dabo quem in Capitolio sepeliatis*.' In eadem concione idem dixerat (habuit enim eam a.d. vii. Kal. Feb. quum Milo pridie, id est, viii. Kal. Feb. venire ad Pompeium in ejus hortos voluisset) Pompeius ei per hominem propinquum misisset, ne ad se veniret. Prius etiam quam Pompeius tertium consul crearetur, tres tribuni, Q. Pompeius Rufus, C. Sallustius Crispus, T. Munatius Plancus, quum quotidianis concionibus suis magnam invidiam Miloni propter Clodium excitarent, produxerant ad populum Cn. Pompeium, et

ab eo quæsierant num ad eum delatum esset illud quoque indicium, suæ vitæ insidiari Milonem. Responderat Pompeius Licinium quendam de plebe sacrificulum, qui solitus esset familias purgare, ad se detulisse, servos quosdam Milonis itemque libertos comparatos esse ad cædem suam; nomina quoque servorum edidisse; ad Milonem misisse, ut eos in potestate sua haberet; a Milone responsum esse, ex iis servis quos nominasset partim neminem se unquam habuisse, partim manumisisse. Deinde quum Licinium apud se haberet, Lucium quendam de plebe ad corrumpendum judicem venisse, qua re cognita, in vincula eum publica a se conjectum. Deceverat enim senatus ut cum interge et tribuni plebis Pompeius daret operam ne quid republica detrimenti caperet. Ob has suspiciones Pompeius in superioribus hortis se continuerat, deinde, ex senatus consulto delectu per Italiam habito quum redisset, venientem ad se Milonem unum omnium non admiserat. Item quum senatus in porticu Pompeii haberetur, ut Pompeius posset interesse, unum tum excuti prius quam in senatum intraret, jusserrat.'

⁴⁹ See chap. 24. § 66.

the other charges falsely brought against his friend. The tribune Munatius Plancus afterwards brought forward a person named M. Æmilius Philemon, well known as a freed-man of M. Lepidus, before a public meeting. His story was, that he and four other freemen besides himself, as they were travelling, came up to the spot where Clodius was being killed, and that on their calling out for help in consequence, they were seized and taken off to Milo's villa, and kept there in confinement for two months. This report, whether true or false, had done much injury to Milo. The same Plancus and his colleague Q. Pompeius had brought forward a Capital Triumvir⁵⁰ on the Rostra, and questioned him whether he had detected one of Milo's slaves named Galata committing murder. He replied that the slave had been caught asleep in the tavern as a runaway, and brought into his court. The tribunes, notwithstanding, warned the Triumvir not to discharge the slave; on the next day, however, the tribunes Cælius and Canianus took him by force from the house of the Triumvir, and gave him back to Milo. Having met with these charges, I have thought it right to mention them, though not alluded to by Cicero. The tribunes Q. Pompeius, C. Sallustius, and Munatius Plancus, were among the foremost in exciting ill-will against Milo by their inflammatory speeches. Cicero also was attacked in the same manner, as Milo's zealous partizan; and indeed so unpopular with the masses was his advocacy of the latter, that they regarded him with quite as much aversion as his client. Pompeius and Sallustius were afterwards suspected of a reconciliation with Cicero and Milo. Plancus however continued their most bitter

⁵⁰ The functions of the *Triumviri Capiales* were somewhat similar to those of the Eleven (*οἱ ἐνδέκα*) at Athens. They were empowered to receive informations respecting capital offences and inquire into them, to commit to prison all detected criminals,

to preserve the public peace, and to inflict summary punishment on slaves and other persons of low rank. For further particulars respecting them see *Dict. of Antiq. art. Triumviri Capiales*.

adversary, instigating the populace against the orator, and exciting suspicions in Pompeius against Milo, by loudly asserting that a conspiracy was on foot for his destruction. Pompeius now made frequent complaints in public that his own life was in danger, and consequently increased his body-guard. Plancus made a shew of bringing Cicero also to trial, and the threat was afterwards repeated by Q. Pompeius Rufus. So great however was the firmness and honesty of purpose shewn on this occasion by the orator, that neither his unpopularity, nor the suspicions of Pompeius, nor the fear of future danger to himself, if he should be publicly impeached, nor the force which was now openly employed against his client, could deter him from defending Milo; although, if he had been a little less earnest in his advocacy, he might not only have entirely saved himself from personal risk and the hostility of an unfriendly populace, but also have regained the favour of Pompeius.

9 As soon as the law of Pompeius was passed, Comitia were held, in which L. Domitius Ahenobarbus was appointed chief commissioner (*quæstor*) for the ensuing trials, in accordance with one of its provisions that such an officer should be elected by popular suffrage from the number of those who had been consuls. The other commissioners, also proposed by Pompeius, were such, that certainly there never had been an occasion on which men more distinguished or more scrupulously upright had been named as judges. Immediately afterwards, Milo was put upon his trial under the new act by the same two youths by whom his household was before demanded; he was also prosecuted by the Appii, C. Cetheius, and L. Cornificius, for corrupt practices; and lastly, for wholesale bribery (*de sodalitiis*⁵¹) by P. Fulvius Neratus. But though he was charged with wholesale bribery and corruption, it was hoped that

⁵¹ *Ambitus* was the general term for *improper canvassing*: the Lex Licinia *de sodalitiis* was a special enactment against the wholesale bribery of a tribe by treating or otherwise: see Cic. *pro Plancio*. c. 15.

if, as seemed certain, he were first tried for breaches of the peace, and (as was confidently anticipated) were condemned, he would not answer to the other counts. A previous inquiry for deciding who should be the principal accuser (*divinatio*⁵²) in the trial for corruption was held before a chief commissioner, named A. Torquatus; and both the commissioners, Torquatus and Domitius, ordered Milo to appear in their respective courts on the fourth of April. On that day he presented himself in person at the tribunal of Domitius, and sent his friends to appear for him at that of Torquatus; in the latter court, M. Marcellus was successful in an application made on his behalf, that he should not be called upon to plead in the trial for corruption, before the other for breaches of the peace had been brought to a conclusion. In the court of Domitius the elder Appius demanded of Milo the production of fifty-four slaves; Milo replied that the slaves who had been specified were their own masters; whereupon Domitius took the opinion of the judges, and decided that the accuser should name as many as he pleased out of the number of slaves before mentioned. The witnesses were then called, in accordance with the new enactment, which, as I have already said, required that the examination of witnesses should be completed in three days, and that the judges should set their seals to (*consignarent*⁵³) the depositions. It also required that on the fourth day all parties should be ordered to attend upon the following day, and that the balls (*pilæ*⁵⁴) on which the names of the judges were in-

⁵² This was a law-term for the process by which, when two or more accusers came forward against one person, it was judicially decided which of them should be the principal accuser; the charges brought by him were then attested by the signatures of the others, who were hence called *subscriptores*. See the Introduction of Asconius to Cicero's *Divinatio in Cæcilium*.

⁵³ Another reading is *confirmarent*. Comp. note of Asconius on the speech, ch. 26. § 71: 'post audita et obsignata testium verba, dimissosque interim iudices.'

⁵⁴ Comp. Propert. iv. 11, 20:
Aut si quis posita iudex sedet Æacus urna,
In mea sortita vindicet omnia pila.
The *pila* must not be confounded with the *tabella*; the former was used in ballotting for the judges before the

scribed should be balanced (*æquarentur*⁵⁵) in the presence of the accuser and the accused. The allotment of the judges was then to be repeated next day, up to the number of eighty-one, and when this number had been drawn, the judges so elected were to take their seats upon the bench immediately; the accuser was then to be allowed two hours for speaking, and the accused three, and on the same day the verdict was to be pronounced: but before the judges gave their votes, the prosecutor and defendant were each of them to reject five out of each of the three classes, so that the number of the judges that actually voted might be reduced to fifty-one.

10 Cassinius Schola gave evidence against Milo on the first day of the trial; he deposed that he was with Clodius when he was killed, and heightened the atrocity of the offence as much as possible. As soon as M. Marcellus had begun to cross-question the witness, the Clodian mob by whom he was surrounded made such an uproar, that he became alarmed for his safety, and was admitted by Domitius on the bench (*tribunal*⁵⁶). Marcellus and Milo himself now appealed to Domitius for protection. Cn. Pompeius, who was then sitting at the treasury, and had himself been made uneasy by the disturbances which had taken place, made a promise to Domitius that he would come

trial, the balls being put into a box called *urna* or *sitella*, which was full of water, (hence termed *ὄδρῖα* by the Greeks); as this vessel was broad-bottomed, but had a narrow neck, only one ball at a time could rise to the surface of the water, when it was shaken: the *tabella*, on the contrary, was the ticket with which the judges gave their verdict *after* the trial.

⁵⁵ This was done by shaking the vessel containing the balls, in order to ascertain whether any of them were lighter than the rest, and so prevent unfairness. Comp. Plaut. *Cas.* ii. 6, 34:

Conjicite sortes nunc jam ambo huc.—Eccere! Uxor, æqua. OL. Noli uxori credere.

See also Cic. *pro Cornelio* Fragm. p. 1292. § 13. ed. *Nobbe*: ‘dum tabellæ diribentur; dum sitella defertur; dum æquantur sortes; dum sortitio fit.’

⁵⁶ *tribunal*. The platform on which the judges sat was crescent-shaped, the chair of the presiding judge being in the centre; the two extremities of the semicircle (called *cornua*) were usually occupied by persons of distinction who were present at the trial. See Tac. *Ann.* i. 75.

down with a military escort on the following day. Accordingly, when he appeared, the Clodians were so daunted, that they did not interrupt the examination of the witnesses during the two remaining days⁵⁷. The witnesses were cross-questioned by Marcellus, Cicero, and Milo himself. Several of the inhabitants of Bovillæ gave their testimony as to facts which had occurred in their neighbourhood, deposing to the murder of the tavern-keeper, the assault upon the tavern, and the dragging of Clodius out into the highway. Some Vestal virgins⁵⁸ also said that a woman unknown to them had come for the purpose of fulfilling a vow, at the request of Milo, in consequence of the death of Clodius. The last witnesses were Sempronia⁵⁹, the daughter of Tuditanus and mother-in-law of Clodius, and his wife Fulvia, who produced a great sensation amongst the bystanders by their sobbing. After the court broke up at about four o'clock in the afternoon, Munatius Plancus harangued the people at a meeting, urging them to be present in large numbers on the following day, and not suffer Milo to get off, but make their own verdict on the case and their sympathy for Clodius apparent to the judges when proceeding to the vote. Next day, which was the eleventh of April [? the eighth; see § 1], the shops were

⁵⁷ Comp. however Dion Cassius, who states (xL. 53), that a disturbance took place after the troops had been introduced into the Forum, in which some persons lost their lives: ὁ γὰρ Πομπήϊος τὴν τε ἄλλην πόλιν διὰ φυλακῆς ἐποιήσατο, καὶ ἐν τῷ δικαστήριον σὺν ὀπλίταις ἐσῆλθε· θορυβησάντων τε ἐπὶ τούτῳ τινῶν, προσέταξε τοῖς στρατιώταις ἐκδιώξαι αὐτοὺς ἐκ τῆς ἀγορᾶς, πλαγίους καὶ πλατέσι τοῖς ξίφεσι παίοντας· ἐπειδὴ τε οὐχ ὑπέεικον, ἀλλὰ καὶ καθάπερ εἰ παιδιᾷ τινὶ πλαγιάζόμενοι ὕβριζον, καὶ ἐτρώθησαν τινὲς αὐτῶν, καὶ ἀπέθανον.

⁵⁸ The Vestal virgins were per-

mitted by the Roman law to give their evidence unsworn (Gaius i. 145; comp. Plin. *H. N.* xxxiv. 11). Orelli reads *Virgines Albanæ*; but this is only a conjecture.

⁵⁹ Thought by Orelli to be the wife of D. Junius Brutus, who is mentioned by Sallust as implicated in Catilina's conspiracy, *Catil.* c. 25, 40. Her father, Sempronius Tuditanus, is thus described by Cicero: 'Tuditanus ille qui cum palla et cothurnis numeroso populo de Rostris spargere solebat.' *Philipp.* iii. 6. Comp. also *Acad.* ii. 28: 'quid loquar de insanis? qualis tandem fuit affinis tuus, Catule, Tuditanus.'

closed throughout the city ; Pompeius stationed guards in the Forum and its approaches, and took his seat himself, as he had done the day before, in front of the Treasury, with a body-guard of picked men. The selection of the judges by lot then took place as on the first day, after which as great a stillness prevailed throughout the Forum as was possible in any Forum under such circumstances. Before eight o'clock in the morning the elder Appius, Marcus Antonius and P. Valerius Nepos, commenced speaking for the prosecution, and consumed the two hours allowed them by the law. The reply on the part of the defendant was made by Cicero alone. Some persons were of opinion that the line of defence proper to be taken in the present instance was, that in killing Clodius Milo had proved himself a benefactor to the commonwealth ; and this was the line actually adopted by M. Brutus in a defence of Milo which he wrote and published, as though it had been really delivered. Cicero, however, did not take this view, because though it might be for the public interest that a man should be condemned to death, it did not follow that for the same reason he might be killed uncondemned. As therefore the accusers had proceeded on the ground that Clodius was waylaid by Milo, (which was false, the quarrel having accidentally arisen), Cicero, taking advantage of their untenable position, undertook to prove that Milo, on the contrary, had been waylaid by Clodius ; and this is the gist of his whole speech. That point, however, being as incapable of proof as the other, it then became evident, as I have said, that neither party had any intention of fighting on that day, but that the encounter was a casual one, the squabble between the slaves having led eventually to the bloodshed which ensued. It was, nevertheless, quite notorious that each of them had frequently threatened the life of the other ; and while the largeness of his retinue was a suspicious circumstance in Milo's case, the followers of Clodius, on the other hand, were in better trim for

fighting. As Cicero was beginning to speak, he was received with loud shouts from the Clodian party, who could not be restrained even by fear of the surrounding troops. The consequence was that he did not speak with his accustomed composure⁶⁰. The speech which was thus interrupted still remains⁶¹; the present one having been written afterwards, and finished with such care, that it may claim to be regarded as a masterpiece⁶².

⁶⁰ Comp. Dion Cass. *xl.* 54: ὁ ρήτωρ τὸν τε Πομπηίου καὶ τοὺς στρατιώτας ἐν τῷ δικαστηρίῳ παρὰ τὸ καθεστῆκός ἰδὼν ἐξεπλάγη καὶ κατέδειξεν, ὥστε τῶν μὲν παρεσκευασμένων μηδὲν εἰπεῖν, βραχὺ δέ τι καὶ τεθνηκὸς χαλεπῶς φθεγξάμενον ἀγαπητῶς μεταστῆναι.

⁶¹ The original speech is now no longer extant, with the exception, perhaps, of a sentence or two cited by Quintilian. The author of the Scholia Bobiensia says that it was extant in his time: 'Existit alius præterea liber actorum pro Milone, in quo omnia interrupta et impolita et rudia, plena denique maximi terroris agnoscas.'

⁶² Comp. Dion Cass. *xl.* 54: τοῦτον γὰρ τὸν νῦν φερόμενον ὡς καὶ ὑπὲρ τοῦ Μίλωνος τότε λεχθέντα χρόνῳ ποθ' ὕστερον καὶ κατὰ σχολὴν ἀναθαρσήσας ἐγράψε. He then relates the story that when Cicero sent the improved edition of his speech to Milo in exile, the latter in reply remarked how fortunate it was that such a speech had never actually been delivered, since, in that case, he should not have been enjoying such delicious mullets at Massilia (Marseilles). Dion adds, that the jest was not so much intended to express his contentment with his present lot, as to convey a sharp rebuke to Cicero for his ill-timed display of oratorical abilities, when Milo could no longer profit by them.

Milo was condemned, the votes of the judges being divided as follows:—for his condemnation, 12 Senators, 13 Equites, and 13 Tribuni Ærarii; for his acquittal, 6 Senators, 4 Equites, and 3 Tribuni Ærarii. (Asconius, Notes on chap. 35 of the speech). Asconius adds, that the judges appear to have been aware that Clodius was wounded in the first instance without the knowledge of Milo, but were of opinion that he was killed by Milo's order afterwards. In consequence of this decision, Milo went into exile at Massilia, and his houses both in Rome and in the country were sold by auction, together with his bands of gladiators. In B. C. 49 he was disappointed in his hopes of being allowed by Cæsar to return with other exiles to Rome; and his former ally, Cælius, having been ejected in the following year from his prætorship by the Senate for proposing some revolutionary measures, invited him to Italy for the purpose of joining in an insurrection against Cæsar. Here Milo took the lead of some surviving remnants of his former gladiators, and a motley crew of shepherds, convicts, and deserters, with whom he entered Campania in the character of a legate of Cnæus Pompeius. Finding no encouragement there, and being defeated before Capua, he retreated to Lucania, and attacked a place named Cosa (or Compsa), in the district of Thurii,

a stone from the walls of which put an end to his career in B. C. 48. See *Cæsar, de Bello Civ.* III. c. 21, 22; *Dion Cass.* XLII. 23—25. *Velleius Paterculus* (II. 68) thus speaks of his

death: 'Compsam in Hirpinis oppugnans ictusque lapide, tum P. Clodio, tum patriæ quam armis petebat, pœnas dedit, vir iniquus et ultra sortem temerarius.'

MARCI TULLII CICERONIS

ORATIO

PRO TITO ANNIO MILONE.

- I Introductory Remarks.
Ch. 1, 2.
I must own that the troops by whom we are surrounded cause me some alarm, however unsuitable such a feeling may seem to the present occasion.
- Ersi vereor, iudices, ne turpe sit pro fortis-
simo viro dicere incipientem timere, minimeque
deceat, quum T. Annii ipse magis de rei publicæ salute quam de sua perturbetur, me ad ejus causam parem animi magnitudinem afferre non posse, tamen hæc novi judicii nova forma terret oculos, qui, quocumque inciderunt, veterem consuetudinem fori et pristinum morem judiciorum requirunt. Non enim corona consessus vester cinctus est, ut solebat; non usitata frequentia stipati sumus: nam illa præsidia quæ pro templis omnibus cernitis, etsi contra vim collocata sunt, non afferunt tamen oratori aliquid; ut in foro et in judicio, quamquam præsidiis salutaribus et necessariis sæpti sumus, tamen ne non timere quidem sine aliquo timore possimus. Quæ si opposita Miloni putarem, cederem tempori, iudices, nec inter tantam vim armorum existimarem esse oratori locum. Sed me recreat et reficit Cn. Pompeii sapientissimi et justissimi viri consilium, qui profecto nec justitiæ suæ putaret esse, quem reum sententiis judicum tradidisset, eundem telis militum dedere, nec sapientiæ, temeritatem concitatæ multitudinis auctoritate publica armare. Quamobrem illa arma centuriones cohortes non periculum nobis sed præsidium denuntiant,

§ 2. nam, vulgo et Orell.; non, Matth.—non afferunt tamen oratori aliquid. Sic Orell.; terroris add. Matth. post oratori sine causa. Vide annot.

neque solum ut quieto sed etiam ut magno animo simus hortantur; neque auxilium modo defensionis meae verum etiam silentium pollicentur. Reliqua vero multitudo, quae quidem est civium, tota nostra est; neque eorum quicquam quos undique intuentes, unde aliqua pars fori adspici potest, et huius exitum iudicii expectantes videtis, non quum virtuti Milonis favet, tum de se, de liberis suis, de patria, de fortunis hodierno die decertari

2 The Clodian faction is indeed opposed to us; but their clamour should only urge you the more to save him who has done his duty to the state in spite of them.

putat. Unum genus est adversum infestumque nobis, eorum quos P. Clodii furor rapinis et incendiis et omnibus exitiis publicis pavit; qui hesternae etiam concione incitati sunt ut vobis voce praerent quid iudicaretis: quorum clamor, si qui forte fuerit, admonere vos de-

bebit ut eum civem retineatis qui semper genus illud hominum clamoresque maximos pro vestra salute neglexit. Quamobrem adeste animis, iudices, et timorem si quem habetis deponite: nam, si unquam de bonis et fortibus viris, si unquam de bene meritis civibus potestas vobis iudicandi fuit, si denique unquam locus amplissimorum ordinum delectis viris datus est, ubi sua studia erga fortes et bonos cives, quae vultu et verbis saepe significassent, re et sententiis declararent, hoc profecto tempore eam potestatem omnem vos habetis, ut statuatis utrum nos, qui semper vestrae auctoritati dediti fuimus, semper miseri lugeamus, an diu vexati a perditissimis civibus, aliquando per vos ac per vestram fidem virtutem sapientiamque

I ask you then to consider the anxious position in which we are placed, and to protect public virtue from base and unprincipled attacks.

recreemur. Quid enim nobis duobus, iudices, laboriosius, quid magis sollicitum magis exercitum dici aut fingi potest? qui spe amplissimorum praemiorum ad rem publicam adducti, metu crudelissimorum exitiorum carere non possumus. Equidem ceteras tempestates et procillas in illis dumtaxat fluctibus concionum

semper putavi Miloni esse subeundas, quod semper pro bonis contra improbos senserat; in iudicio vero, et in eo con-

silio in quo ex cunctis ordinibus amplissimi viri judicarent, nunquam existimavi spem ullam esse habituros Milonis inimicos ad ejus non salutem modo extinguendam sed etiam gloriam per tales viros infringendam. Quamquam 6

Not that I intend to rest my defence of Milo on his past services to the state, but on the clearest proofs of Clodius' dark designs against his life.

in hac causa, judices, T. Annii tribunatu rebusque omnibus pro salute rei publicæ gestis ad hujus criminis defensionem non abutemur. Nisi oculis videritis insidias Miloni a Clodio factas, nec deprecaturi sumus ut crimen hoc nobis multa propter præclara in rem publicam merita condonetis, nec postulaturi ut, si

mors P. Clodii salus vestra fuerit, idcirco eam virtuti Milonis potius quam populi Romani felicitati assignetis: sed si illius insidiæ clariores hac luce fuerint, tum denique obsecrabo obtestaborque vos, judices, si cetera amisimus, hoc saltem nobis ut relinquatur, ab inimicorum audacia telisque vitam ut impune liceat defendere.

3 Objections answered. Ch. 3—8.

Let me however first clear the way by refuting certain objections.

Obj. 1. It is said that no one who pleads guilty to homicide deserves to live.

Yet it has always been held that the defendant in trials for homicide may either deny the fact, or, admitting

Sed antequam ad eam orationem venio quæ 7
est propria vestræ quæstionis, videntur ea esse refutanda quæ et in senatu ab inimicis sæpe jactata sunt et in concione ab improbis et paulo ante ab accusatoribus, ut omni errore sublato rem plane quæ venit in iudicium videre possitis. Negant intueri lucem esse fas ei qui a se hominem occisum esse fateatur. In qua tandem urbe hoc homines stultissimi disputant? nempe in ea quæ primum iudicium de capite vidit M. Horatii fortissimi viri, qui, nondum libera civitate, tamen populi Romani comitiis liberatus est, quum sua manu sororem esse interfectam fateretur. An est 8
quisquam qui hoc ignoret, quum de homine occiso quæretur, aut negari solere omnino esse factum, aut recte ac jure factum esse defendi? Nisi vero existimatis dementem P.

it, plead justification. And this latter plea has often been allowed in former times.

Africanum fuisse, qui, quum a C. Carbone tribuno plebis in concione seditiose interrogaretur quid de Ti. Gracchi morte sentiret, respondit jure cæsum videri. Neque enim posset aut

Ahala ille Servilius, aut P. Nasica, aut L. Opimius, aut C. Marius, aut me consule senatus, non nefarius haberi, si sceleratos cives interfici nefas esset. Itaque hoc, judices, non sine causa etiam fictis fabulis doctissimi homines memoriæ prodiderunt, eum qui patris ulciscendi causa matrem necavisset, variatis hominum sententiis, non solum divina sed etiam sapientissimæ deæ sententia liberatum. Quod si duodecim 9 tabulæ nocturnum furem quoquo modo, diurnum autem si se telo defenderit, interfici impune voluerunt, quis est qui, quoquo modo quis interfectus sit, puniendum putet, quum videat aliquando gladium nobis ad occidendum hominem 4 ab ipsis porrigi legibus? Atqui si tempus est ullum jure hominis necandi, quæ multa sunt, certe illud est non modo justum verum etiam necessarium, quum vi vis illata defen-

And what justification can be more valid than that of self-defence?

ditur. Pudicitiam quum eriperet militi tribunus militaris in exercitu C. Marii propinquus ejus imperatoris, interfectus ab eo est cui vim afferebat; facere enim probus adolescens periculose

quam perpeti turpiter maluit: atque hunc ille summus vir scelere solutum periculo liberavit. Insidiatori vero et 10 latroni quæ potest inferri injusta nex? Quid comitatus nostri, quid gladii volunt? quos habere certe non liceret, si uti

illis nullo pacto liceret. Est enim hæc, judices,

a principle which is instinctive, and beyond the pale of law.

non scripta sed nata lex; quam non didicimus accepimus legimus, verum ex natura ipsa arripimus hausimus expressimus; ad quam non

docti sed facti, non instituti sed imbuti sumus, — ut, si vita nostra in aliquas insidias, si in vim, si in tela aut latronum aut inimicorum incidisset, omnis honesta ratio esset expediendæ salutis. Silent enim leges inter arma, nec se

§ 8. *respondit.* Sic Orell.; *responderit*, Matth.

§ 9. *defenderit.* Sic Orell.; *defenderet*, Matth.

expectari jubent, quum ei qui expectare velit ante injusta
Nay, the law even tacitly allows it, when it only forbids the carrying of weapons with a murderous intent. pœna luenda sit quam justa repetenda. Etsi ¹¹
persapienter et quodam modo tacite dat ipsa
lex potestatem defendendi, quæ non hominem
occidi sed esse cum telo hominis occidendi
causa vetat; ut, quum causa non telum quæ-
reretur, qui sui defendendi causa telo esset usus, non homi-
nis occidendi causa habuisse telum judicaretur. Quapropter
hoc maneat in causa, iudices: non enim dubito quin pro-
baturus sim vobis defensionem meam, si id memineritis
quod oblivisci non potestis, insidiatorem jure interfici
posse.

5 Sequitur illud quod a Milonis inimicis sæpis- ¹²
Obj. 2. It is urged that Milo's act has already been pronounced a state offence by the Senate. sime dicitur, cædem in qua P. Clodius occisus
est senatum judicasse contra rem publicam
esse factam. Illam vero senatus non senten-
tiis suis solum sed etiam studiis comprobavit.

Quoties enim est illa causa a nobis acta in senatu! quibus
assensionibus universi ordinis, quam nec tacitis nec occultis!
Quando enim frequentissimo senatu quatuor aut summum
• quinque sunt inventi qui Milonis causam non probarent?

Now it is well known that the Senate was nearly unanimous in its approval of the act. Declarant hujus ambusti tribuni plebis illæ
intermortuæ conciones quibus quotidie meam
potentiam invidiose criminabatur, quum diceret
senatum non quod sentiret sed quod ego vel-

lem decernere. Quæ quidem si potentia est
appellanda potius quam aut propter magna in rem pub-
licam merita mediocris in bonis causis auctoritas, aut propter
hos officiosos labores meos nonnulla apud bonos gratia,
appelletur ita sane, dummodo ea nos utamur pro salute
bonorum contra amentiam perditorum. Hanc ¹³
vero quæstionem, etsi non est iniqua, nun-
quam tamen senatus constituendam putavit:
erant enim leges, erant quæstiones, vel de

§ 11. non hominem occidi. Sic Orell.; non modo hominem occidi, Matth.

cæde vel de vi; nec tantum mœrorem ac luctum senatui mors P. Clodii afferebat ut nova quæstio constitueretur. Cujus enim de illo incesto stupro iudicium decernendi senatui potestas esset erepta, de ejus interitu quis potest credere senatum iudicium novum constituendum putasse? Cur igitur incendium curiæ, oppugnationem ædium M. Lepidi, cædem hanc ipsam contra rem publicam senatus factam esse decrevit? quia nulla vis unquam est in libera civitate suscepta inter cives non contra rem publicam. Non enim est illa defensio contra vim unquam optanda, sed nonnunquam est necessaria: nisi vero aut ille dies quo Ti. Gracchus est cæsus, aut ille quo Caius, aut quo arma Sa-

6 Yet, since every act of violence, however necessary, must be detrimental to public confidence, I and other members of the Senate wished the matter to be tried by the ordinary forms of law; but in this we were thwarted by faction.

turnini oppressa sunt, etiamsi e re publica, rem publicam tamen non vulnerarunt. Itaque ego ipse decrevi, quum cædem in Appia factam esse constaret, non eum qui se defendisset contra rem publicam fecisse, sed, quum inesset in re vis et insidiæ, crimen iudicio reservavi, rem notavi. Quod si per furiosum illum tribunum senatui quod sentiebat perficere licuisset, novam quæstionem nunc nullam habe-

remus; decernebat enim ut veteribus legibus, tantummodo extra ordinem, quæreretur: divisa sententia est, postulante nescio quo; nihil enim necesse est omnium me flagitia proferre: sic reliqua auctoritas senatus emptâ intercessionem sublata est.

Obj. 3. 'But,' say they, 'Pompeius himself by his motion passed judgment both on the act and its motive.' He moved for an inquiry; not about the *fact*, for that was certain; nor the au-

At enim Cn. Pompeius rogatione sua et de re et de causa iudicavit: tulit enim de cæde quæ in Appia via facta esset, in qua P. Clodius occisus esset. Quid ergo tulit? nempe ut quæreretur. Quid porro quærendum est? factumne sit? at constat: a quo? at patet. Vidit igitur etiam in confessione facti

§ 14. *ille dies quo*. Sic Orell.; *ille dies in quo*, Matth.

§ 15. *occisus esset*. Sic Orell.; *occisus fuit*, Matth.—*Ibid. patet*. Sic Orell.; *patet*, vulgo et Matth.

thor, he was well known; but about the motive. And hence Pompeius seems to me to have perceived that the act itself was defensible in point of law.

juris tamen defensionem suscipi posse. Quod nisi vidisset posse absolvi eum qui fateretur, quum videret nos fateri, neque quæri unquam jussisset, nec vobis tam salutarem hanc in judicando literam quam illam tristem dedisset. Mihi vero Cn. Pompeius non modo nihil gravius contra Milonem judicasse, sed etiam statuisse videtur quid vos in judicando spectare oporteret: nam qui non pœnam confessioni sed defensionem dedit, is causam interitus quærendam non interitum putavit. Jam 16 illud dicet ipse profecto, quod sua sponte fecit, Publione

7

He will tell you that he acted as he did, not out of regard to the dignity of Clodius, but the peculiar circumstances of the times.

Clodio tribuendum putarit an temporari. Domi suæ nobilissimus vir, senatus propugnator atque illis quidem temporibus pæne patronus, avunculus hujus nostri judicis fortissimi viri M. Catonis, tribunus plebis M. Drusus occisus est: nihil de ejus morte populus consultus, nulla quæstio decreta a senatu est. Quantum luctum in hac urbe fuisse a nostris patribus accepimus, quum P. Africano domi suæ quiescenti illa nocturna vis esset illata? quis tum non ingemuit, quis non arsit dolore? quem immortalē, si fieri posset, omnes esse cuperent, ejus ne necessariam quidem exspectatam esse mortem! num igitur ulla quæstio de 17 Africani morte lata est? certe nulla: quid

Even such men as Drusus and Africanus met with a violent death, but there was no special commission in their case.

ita? quia non alio facinore clari homines alio obscuri necantur. Intersit inter vitæ dignitatem summorum atque infimorum; mors quidem illata per scelus iisdem et pœnis teneatur et legibus. Nisi forte magis erit parricida si quis consularem patrem quam si quis humilem necaverit; aut eo mors atrocior erit P. Clodii quod is in monumentis majorum suorum sit interfectus: hoc enim sæpe ab istis dicitur; proinde quasi Appius ille Cæcus viam munierit, non qua populus uteretur, sed ubi impune sui posterī latrocinarentur. Itaque in eadem ista Appia via 18

quum ornatissimum equitem Romanum P. Clodius M. Papirium occidisset, non fuit illud facinus puniendum; homo enim nobilis in suis monumentis equitem Romanum occiderat: nunc ejusdem Appiæ nomen quantas tragedias excitat! Quæ cruentata antea cæde honesti atque innocentis viri silebatur, eadem nunc crebro usurpatur, posteaquam latronis et parricidæ sanguine imbuta est. Sed quid ego illa commemoro? Comprehensus est in templo Castoris servus P. Clodii quem ille ad Cn. Pompeium interficiendum collocarat; extorta est confitenti sica de manibus: caruit foro postea Pompeius, caruit senatu, caruit publico; janua se ac parietibus, non jure legum judiciorumque, texit: num quæ rogatio lata? 19 num quæ nova quæstio decreta est? atqui,

More recently, Pompeius himself, on whose life the very safety of the State depends, narrowly escaped assassination by one of the slaves of Clodius; but the culprit was not tried before an extraordinary court.

si res, si vir, si tempus ullum dignum fuit, certe hæc in illa causa summa omnia fuerunt: insidiator erat in foro collocatus atque in vestibulo ipso senatus; ei viro autem mors parabatur cujus in vita nitebatur salus civitatis; eo porro rei publicæ tempore quo, si unus ille occidisset, non hæc solum civitas sed gentes omnes concidissent: nisi vero quia perfecta res non est, non fuit punienda; proinde quasi exitus rerum, non hominum consilia, legibus vindicentur: minus dolendum fuit, re non perfecta;

Nor was there a special inquiry when my own life was in danger from Clodius.

sed puniendum certe nihilo minus. Quoties ego 20 ipse, judices, ex P. Clodii telis et ex cruentis ejus manibus effugi? ex quibus si me non vel mea vel rei publicæ fortuna servasset, quis tan-

8 dem de interitu meo quæstionem tulisset? Sed stulti sumus qui Drusum, qui Africanum Pompeium nosmetipsos cum P. Clodio conferre audeamus: tolerabilia fuerunt illa; P. Clodii mortem æquo animo nemo ferre potest. Luget senatus, moeret equester ordo, tota civitas confecta senio est,

And yet it seems that Drusus, Africanus, Pompeius, Cicero, must all give place to—Clodius!

squalent municipia, afflictantur coloniæ, agri denique ipsi tam beneficium tam salutarem tam mansuetum civem desiderant. Non fuit profecto ea causa, iudices, 21 non fuit, cur sibi censeret Pompeius quæstionem ferendam; sed homo sapiens atque alta et divina quadam mente præditus multa vidit; fuisse sibi illum inimicum, familiarem Milonem: in communi omnium lætitia, si etiam ipse gauderet, timuit ne videretur infirmior fides reconciliatæ gratiæ. Multa etiam alia vidit, sed illud maxime;—quamvis atrociter ipse tulisset, vos tamen fortiter iudicatu-
 ros. Itaque delegit e florentissimis ordinibus ipsa lumina. Neque vero, quod nonnulli dictitant, secrevit in iudici-

bus legendis amicos meos: neque enim hoc cogitavit vir justissimus, neque in bonis viris legendis id assequi potuisset, etiamsi cupisset: non enim mea gratia familiaritibus continetur, quæ late patere non possunt, propterea quod consuetudines victus non possunt esse cum multis: sed, si quid possumus, ex eo possumus quod res publica nos conjunxit cum bonis; ex quibus ille quum optimos viros legeret, idque maxime ad fidem suam pertinere arbitraretur,

non potuit legere non studiosos mei. Quod 22 vero te, L. Domiti, huic quæstioni præesse maxime voluit, nihil quæsivit aliud nisi justitiam gravitatem humanitatem fidem: tulit ut consularem necesse esset; credo quod principum munus esse ducebat resistere et levitati multitudinis et perditorum temeritati: ex consularibus te creavit potissimum; dederas enim, quam contemneres populares insanias, jam ab adolescentia documenta maxima.

9 And now I proceed at once to the only question at issue: viz. who was the real conspirator, Clodius or Milo? Quamobrem, iudices, ut aliquando ad causam 23 crimenque veniamus, si neque omnis confessio facti est inusitata, neque de causa quidquam nostra aliter ac nos vellemus a senatu iudicatum est, et lator ipse legis, quum esset controversia

nulla facti, juris tamen disceptationem esse voluit, et delecti judices, isque præpositus quæstioni qui hæc juste sapienterque disceptet; reliquum est, judices, ut nihil jam aliud quærere debeatis, nisi uter utri insidias fecerit. Quod quo facilius argumentis perspicere possitis, rem gestam vobis dum breviter expono quæso diligenter attendite.

Statement of

Facts.

Ch. 9, 10.

The facts of the case were briefly these: Clodius, having postponed his prætorship a year beyond the proper time, found that Milo was certain to be elected consul for the same year.

P. Clodius quum statuisset omni scelere in 24

prætura vexare rem publicam, videretque ita tracta esse comitia anno superiore ut non multos menses præturam gerere posset;—qui non honoris gradum spectaret, ut ceteri, sed et L. Paullum collegam effugere vellet, singulari virtute civem, et annum integrum ad dilacerandam rem publicam quæreret;—subito reliquit annum suum seseque in annum proximum

transtulit, non, ut fit, religione aliqua, sed ut haberet, quod ipse dicebat, ad præturam gerendam, hoc est, ad evertendam rem publicam plenum annum atque integrum. Occurrebat 25 mancama ac debilem præturam suam futuram, consule Milone; eum porro summo consensu populi Romani consulem fieri videbat.

Foreseeing the consequent disturbance of his own evil designs, he first strove his utmost to defeat Milo's election;

Contulit se ad ejus competitores, sed ita, totam ut petitionem ipse solus, etiam invitis illis, gubernaret; tota ut comitia suis, ut dictitabat, humeris sustineret. Convocabat tribus, se interponebat, Collinam novam delectu perditissimorum civium conscribebat. Quanto ille

and then, seeing that to be impossible, he began to talk openly of taking Milo's life: which he attempted in the following manner.

plura miscebat, tanto hic magis in dies convalescebat. Ubi vidit homo ad omne facinus paratissimus fortissimum virum, inimicissimum suum, certissimum consulem, idque intellexit non solum sermonibus sed etiam suffragiis populi Romani sæpe esse declaratum, palam

agere cœpit et aperte dicere occidendum Milonem. Servos 26 agrestes et barbaros, quibus silvas publicas depopulatus

erat Etruriamque vexarat, ex Apennino deduxerat, quos videbatis. Res erat minime obscura: etenim palam dictitabat consulatum Miloni eripi non posse, vitam posse. Significavit hoc sæpe in senatu; dixit in concione: quinetiam Favonio, fortissimo viro, quærenti ex eo qua spe fureret Milone vivo, respondit triduo illum aut summum quadriduo periturum; quam vocem ejus ad hunc M. Catonem statim

10

Knowing that Milo would have to go on an official visit to Lanuvium on the 20th of January, he suddenly quitted Rome on the 19th, and went to his own estate on the Appian Road, that he might have time to lay his plans.

Favonius detulit. Interim quum sciret Clodius 27

(neque enim erat difficile scire) iter solenne legitimum necessarium ante diem XIII Kalendas Feb. Miloni esse Lanuvium ad flaminem prodendum, quod erat dictator Lanuvii Milo, Roma subito ipse profectus pridie est, ut ante suum fundum (quod re intellectum est) Miloni insidias collocaret: atque ita profectus est ut concionem turbulentam in qua ejus furor desi-

deratus est, quæ illo ipso die habita est, relinqueret, quam, nisi obire facinoris locum tempusque voluisset, nunquam reliquisset. Milo autem, quum in senatu fuisset eo die 28

quoad senatus dimissus est, domum venit, calceos et vestimenta mutavit, paullisper dum se uxor (ut fit) comparat commoratus est; deinde profectus id temporis quum jam Clodius, si quidem eo die Romam venturus erat, redire

Milo was met by Clodius, about 4 o'clock p.m., on horseback, and not accompanied by his wife or the usual retinue of profligate attendants.

potuisset. Obviam fit ei Clodius, expeditus, in equo, nulla rheda, nullis impedimentis, nullis Græcis comitibus, ut solebat, sine uxore, quod nunquam fere; quum hic insidiator, qui iter illud ad cædem faciendam apparasset, cum uxore veheretur in rheda, pænulatus, magno

et impedito ac muliebri et delicato ancillarum puerorumque comitatu. Fit obviam Clodio ante fundum ejus, hora fere 29

Several persons with arms attacked Milo's carriage,

undecima, aut non multo secus. Statim complures cum telis in hunc faciunt de loco supe-

§ 28. *magno et impedito*. Sic Orell. et Matth. e codd. nonnullis; al. *magno impedimento*; al. *vulgi magno impedimento*: sed displicet *impedimento* in num. singul. positum.

and his coachman was killed. Milo jumped out and began to defend himself, and in the fray which ensued, the slaves of Milo hearing that their master had been killed, avenged themselves on Clodius, as faithful slaves might be expected to do.

riore impetum; adversi rhedarium occidunt. Quum autem hic de rheda, rejecta pænula, desiluisset, seque acri animo defenderet, illi qui erant cum Clodio, gladiis eductis, partim recurrere ad rhedam, ut a tergo Milonem adorerentur, partim, quod hunc jam interfectum putarent, cædere incipiunt ejus servos, qui post erant; ex quibus qui animo fideli in dominum et præsentī fuerunt, partim occisi sunt, partim, quum ad rhedam pugnari viderent, et domino succurrere prohiberentur, Milonem occisum et ex ipso Clodio audirent et revera putarent, fecerunt id servi Milonis (dicam enim non derivandi criminis causa, sed ut factum est), neque imperante neque sciente neque præsentē domino, quod suos quisque servos in tali re facere voluisset.

II Statement of the line of defence.

And now comes the question, whether this act was right or wrong. I undertake to prove that Milo was only defending himself against a deep-laid plot of Clodius.

Hæc sicut exposui ita gesta sunt, iudices: 30 insidiator superatus, vi victa vis, vel potius oppressa virtute audacia est. Nihil dico quid res publica consecuta sit, nihil quid vos, nihil quid omnes boni. Nihil sane id prosit Miloni, qui hoc fato natus est ut ne se quidem servare potuerit, quin una rem publicam vosque servaret. Si id jure non posset, nihil habeo quod defendam: sin hoc et ratio doctis et necessitas barbaris et mos gentibus et feris natura ipsa præscripsit, ut omnem semper vim, quacumque ope possent, a corpore, a capite, a vita sua propulsarent, non potestis hoc facinus improbum judicare, quin simul judicetis omnibus qui in latrones inciderint aut illorum telis aut vestris sententiis esse pereundum. Quod si ita putasset, certe opta- 31 bilius Miloni fuit dare jugulum P. Clodio, non semel ab illo neque tum primum petitum, quam jugulari a vobis, quia se illi non jugulandum tradidisset. Sin hoc nemo vestrum ita sentit, illud jam in iudicium venit, non occisusne sit, quod fatemur, sed jure an injuria: quod multis in causis sæpe quæsitum est. Insidias factas esse constat; et id est quod

senatus contra rem publicam factum iudicavit; ab utro factæ sint incertum est: de hoc igitur latum est ut quæeretur. Ita et senatus rem non hominem notavit, et Pompeius de jure non de facto quæstionem tulit. Numquid igitur aliud in iudicium venit nisi uter utri insidias fecerit? profecto nihil: si hic illi, ut ne sit impune; si ille huic, tum nos scelere solvamus.

12 First Argument. Quonam igitur pacto probari potest insidias 32 Miloni fecisse Clodium? Satis est quidem in

Ch. 12, 13.
Consider, first, the strong inducements which Clodius had to rid himself of Milo.

So long as he lived, he would have been fettered in his acts as prætor.

illa tam audaci tam nefaria bellua docere magnam ei causam, magnam spem in Milonis morte propositam, magnas utilitates fuisse. Itaque illud Cassianum CUI BONO FVERIT in his personis valeat; etsi boni nullo emolumento impelluntur in fraudem, improbi sæpe parvo.

Atqui, Milone interfecto, Clodius hoc assequabatur, non modo ut prætor esset non eo consule quo sceleris nihil facere posset, sed etiam ut iis consulibus prætor esset quibus, si non adjuvantibus at conniventibus certe, speraret posse se eludere in illis suis cogitatis furoribus; cujus illi conatus, ut ipse ratiocinabatur, nec, si possent, reprimere cuperent, quum tantum beneficium ei se debere arbitrarentur; et, si vellent, fortasse vix possent frangere hominis sceleratissimi corroboratam jam vetustate audaciam. An 33 vero, iudices, vos soli ignoratis, vos hospites in hac urbe versamini? vestræ peregrinantur aures, neque in hoc pervagato civitatis sermone versantur, quas ille leges (si leges nominandæ sunt, ac non faces urbis et pestes rei publicæ) fuerit impositurus nobis omnibus atque inustus? Exhibe

Sextus Clodius can shew a whole portfolio of laws which these men wished to see enacted, if they could get the necessary powers.

exhibe quæso, Sexte Clodi, exhibe librum illud legumstrarum, quod te aiunt eripuisse e domo et ex mediis armis turbaque nocturna tamquam Palladium sustulisse, ut præclarum videlicet munus atque instrumentum tribuna-

§ 32. posse se eludere. Sic Orell. et Matth.; vulgo, se posse rempublicam eludere; sed vide annot.

tus ad aliquem, si nactus esses qui tuo arbitrio tribunatum gereret, deferre posses. Et adspexit me illis quidem oculis quibus tum solebat quum omnibus omnia minabatur: mo-
 13 vet me quippe lumen curiæ. Quid? tu me iratum, Sexte, putas tibi, cujus tu inimicissimum multo crudelius etiam punitus es quam erat humanitatis meæ postulare? Tu P. Clodii cruentum cadaver ejecisti domo, tu in publicum abjecisti, tu spoliatum imaginibus exequiis pompa laudatione, infelicissimis lignis semiustulatum, nocturnis canibus dilaniandum reliquisti. Quare, etsi nefarie fecisti, tamen, quoniam in meo inimico crudelitatem exprompsisti tuam, laudare non possum, irasci certe non debeo. * * * Conver-

Milo, on the other hand, had not only no reason to wish for the death of Clodius, but the strongest reasons for wishing the contrary.

tite animos nunc vicissim ad Milonem. Quid Milonis intererat interfici Clodium? Quid erat cur Milo, non dicam, admitteret, sed optaret? Obstabat in spe consulatus Miloni Clodius? At eo repugnante fiebat; immo vero, eo fiebat magis; nec me suffragatore meliore utebatur quam Clodio. Valebat apud vos, iudices, Milonis erga me remque publicam meritorum memoria; valebant preces et lacrymæ nostræ, quibus ego tum vos mirifice moveri sentiebam; sed plus multo valebat periculorum impendentium timor. Quis enim erat civium qui sibi solutam P. Clodii præturam sine maximo rerum novarum metu proponeret? solutam autem fore videbatis, nisi esset is consul qui eam auderet possetque constringere. Eum Milonem unum esse quum sentiret universus populus Romanus, quis dubitaret suffragio suo se metu, periculo rem publicam liberare? At nunc

When Clodius was gone, the chief glory of Milo's public life, which consisted in protecting us from his designs, was also gone.

Clodio remoto, usitatis jam rebus enitendum est Miloni ut tueatur dignitatem suam. Singularis illa et huic uni concessa gloria, quæ quotidie augebatur frangendis furoribus Clodianis, jam morte Clodii cecidit. Vos adepti estis ne

§ 33. *Quare, etsi.* Sic Orell.; *quam rem etsi*, Matth.

§ 34. * * * Pauca desunt, quæ alii aliter supplent edd.

quem civem metueretis; hic exercitationem virtutis, suffragationem consulatus, fontem perennem gloriæ suæ perdidit. Itaque Milonis consulatus, qui, vivo Clodio, labefactari non poterat, mortuo denique tentari cœptus est. Non modo igitur nihil prodest sed obest etiam Clodii mors Miloni. At valuit odium, fecit iratus, fecit inimicus, fuit ultor injuriæ, 35 punitor doloris sui. Quid, si hæc, non dico, majora fuerunt in Clodio quam in Milone, sed in illo maxima, nulla in hoc?

Milo felt no hatred towards Clodius beyond that which all other good men felt.

quid vultis amplius? Quid enim odisset Clodium Milo, segetem ac materiem suæ gloriæ, præter hoc civile odium quo omnes improbos odimus? Ille erat ut odisset, primum defensor rem salutis meæ, deinde vexatorem furoris, domitorem armorum suorum, postremo etiam accusatorem suum; reus enim Milonis lege Plotia fuit Clodius, quoad vixit. Quo tandem animo hoc tyrannum tulisse creditis? quantum odium illius, et in homine injusto quam etiam justum fuisse?

- 14 Second
Argument.
Ch. 14—16.
2. Compare the
life and character
of the two men.
The life of Clodius had been one
of perpetual intrigue and violence.

Reliquum est ut jam illum natura ipsius 36 consuetudoque defendat, hunc autem hæc eadem coarguant. Nihil per vim unquam Clodius, omnia per vim Milo. Quid ergo, judices? quum, mœrentibus vobis, urbe cessi, judiciumne timui? non servos, non arma, non vim? Quæ fuisset igitur justa causa restituendi mei, nisi fuisset injusta ejiciendi? Diem mihi, credo, dixerat; multam irrogarat; actionem perduellionis intenderat; et mihi videlicet in causa aut mala aut mea, non et præclarissima et vestra, judicium timendum fuit. Servorum et egentium civium et facinorosorum armis meos cives, meis consiliis periculisque servatos, pro me objici nolui. Vidi 37 enim vidi hunc ipsum Q. Hortensium, lumen et ornamentum rei publicæ, pæne interfici servorum manu, quum mihi adesset: qua in turba C. Vibienus senator, vir optimus, cum hoc quum esset una, ita est mulcatus ut vitam amiserit. Itaque quando illius postea sica illa quam a Catilina acce-

perat conquievit? Hæc intentata nobis est; huic ego vos objici pro me non sum passus; hæc insidiata Pompeio est; hæc istam Appiam, monumentum sui nominis, nece Papirii cruentavit; hæc, hæc eadem longo intervallo conversa rursus est in me; nuper quidem, ut scitis, me ad regiam

Milo's whole life, on the contrary, has been spent in repressing the outrages of Clodius and his associates.

pæne confecit. Quid simile Milonis? cujus vis 38

omnis hæc semper fuit, ne P. Clodius quum in judicium detrahi non posset, vi oppressam civitatem teneret. Quem si interficere voluisset,

quantæ quoties occasiones, quam præclaræ fuerunt? Potuitne, quum domum ac deos penates suos illo oppugnante defenderet, jure se ulcisci? potuitne, cive egregio et viro fortissimo P. Sextio, collega suo, vulnerato? potuitne, Q. Fabricio, viro optimo, quum de reditu meo legem ferret, pulso, crudelissima in foro cæde facta? potuitne, L. Cæcili, justissimi fortissimique prætoris, oppugnata domo? potuitne illo die quum est lata lex de me? quum totius Italiæ concursus, quem mea salus concitarat, facti illius gloriam lubens agnovisset, ut, etiam si id Milo fecisset,

15 How frequent were the provocations he received from Clodius when alive, and the opportunities he had of taking vengeance on him, if he had been so disposed!

cuncta civitas eam laudem pro sua vindicaret? At quod erat tempus? Clarissimus et 39

fortissimus consul, inimicus Clodio, P. Lentulus, ultor sceleris illius, propugnator senatus, defensor vestræ voluntatis, patronus illius publici consensus, restitutor salutis meæ; septem prætores, octo tribuni plebis, illius adversarii,

defensores mei; Cn. Pompeius auctor et dux mei reditus, illius hostis, cujus sententiam senatus omnis de salute mea gravissimam et ornatissimam secutus est, qui populum Romanum est cohortatus, qui, quum decretum de me Capuæ fecit, ipse cunctæ Italiæ cupienti et ejus fidem imploranti signum dedit ut ad me restituendum Romam concurrerent; omnia tum denique in illum odia civium ardebant desiderio mei, quem qui tum interemisset, non de impunitate ejus sed de præmiis cogitaretur. Tamen se Milo continuit, et 40 P. Clodium in judicium bis, ad vim nunquam vocavit. Quid?

privato Milone et reo ad populum, accusante P. Clodio, quum in Cn. Pompeium pro Milone dicentem impetus factus est, quæ tum non modo occasio sed etiam causa illius opprimendi fuit? Nuper vero quum M. Antonius summam spem salutis bonis omnibus attulisset, gravissimamque adolescens nobilissimus rei publicæ partem fortissime suscepisset, atque illam belluam, iudicii laqueos declinantem, jam irritam teneret, qui locus, quod tempus illud, dii immortales, fuit! Quum se ille fugiens in scararum tenebras abdidisset, magnum Miloni fuit conficere illam pestem nulla sua invidia, Antonii vero maxima gloria? Quid? comitiis in campo 41 quoties potestas fuit? quum ille vi in sæpta irrupisset, gladios destringendos, lapides jaciendos curasset, dein subito vultu Milonis perterritus fugeret ad Tiberim, vos et omnes

16 Is it likely then that he would wait till he was canvassing for the consulship, the candidates for which are even morbidly sensitive regarding the faintest breath of suspicion against their characters?

boni vota faceretis ut Miloni uti virtute sua liberet? Quem igitur cum omnium gratia noluit, hunc voluit cum aliquorum querela? quem jure, quem loco, quem tempore, quem impune non est ausus, hunc injuria, iniquo loco, alieno tempore, periculo capitis, non dubitavit occidere? Præsertim, iudices, quum 42 honoris amplissimi contentio et dies comitorum subesset; quo quidem tempore (scio enim quam timida sit ambitio, quantaque et quam sollicita cupiditas consulationis) omnia non modo quæ reprehendi palam sed etiam obscure quæ cogitari possunt timemus; rumorem, fabulam falsam fictam levem perhorrescimus; ora omnium atque oculos intuemur: nihil enim est tam molle, tam tenerum, tam aut fragile aut flexibile, quam voluntas erga nos sensusque civium; qui non modo improbitati irascuntur candidatorum, sed etiam in recte factis sæpe fastidiunt. Hunc 43 diem igitur campi speratum atque exoptatum sibi proponens Milo, cruentis manibus scelus et facinus præ se ferens et confitens, ad illa augusta centuriarum auspicia veniebat?

§ 41. *ille vi in sæpta irrupisset.* Sic Matth.; *vi* omittit Orell.

§ 42. *falsam, fictam.* Sic Matth.; *falsam* omittit Orell.

Quam hoc non credibile in hoc? quam idem in Clodio non dubitandum quin se, interfecto Milone, regnaturum putaret?

His position too was such that he could not hope for impunity: but Clodius had too long despised justice to be disturbed by any fears.

Quid? quod caput est audaciæ, iudices, quis ignorat maximam illecebram esse peccandi impunitatis spem? In utro igitur hæc fuit? in Milone? qui etiam nunc reus est facti aut præclari aut certe necessarii? an in Clodio? qui ita judicia pœnamque contempserat, ut eum

nihil delectaret quod aut per naturam fas esset aut per leges

You have positive evidence that Clodius had resolved to murder Milo three days before they met on the Appian Road.

liceret? Sed quid ego argumentor? quid plura 44 disputo? te, Q. Petilli, appello, optimum et fortissimum civem; te, M. Cato, testor: quos mihi divina quædam sors dedit iudices. Vos ex M. Favonio audistis Clodium sibi dixisse, et

audistis vivo Clodio, periturum Milonem triduo. Post diem tertium gesta res est, quam dixerat. Quum ille non dubitaret aperire quid cogitaret, vos potestis dubitare quid fecerit?

17

Third Argument.
Ch. 17—19.

3. But there was no necessity for Clodius' sudden departure, as there was for Milo's: on the contrary, Clodius had the strongest inducement to stay in Rome.

Quemadmodum igitur eum dies non fefellit? 45 dixi equidem modo. Dictatoris Lanuvini stata sacrificia nosse negotii nihil erat. Vidit necesse esse Miloni proficisci Lanuvium illo ipso quo profectus est die; itaque antevertit. At quo die? quo, ut ante dixi, fuit insanissima concio, ab ipsius mercenario tribuno plebis concitata; quem diem ille, quam concionem, quos clamores,

nisi ad cogitatum facinus approperearet, nunquam reliquisset.

Ergo illi ne causa quidem itineris, etiam causa manendi: Miloni manendi nulla facultas, exeundi non causa solum sed

Milo could never have suspected his absence at such a time, nor his return on that particular day; but Clodius could

etiam necessitas fuit. Quid si, ut ille scivit Milonem fore eo die in via, sic Clodium Milo ne suspicari quidem potuit? Primum quæro 46 qui scire potuerit? quod vos idem in Clodio quærere non potestis; ut enim neminem

§ 43. *dubitandum quin*. Sic Matth.; *dubitandum!* qui, Orell.—*Ibid. caput est audacia*. Sic Orell.; *audacia* om. Matth.; vide annot.

§ 44. *dubitaret*. Sic vulgo; *dubitarit*, Orell. et Matth.; vide annot.

easily ascertain
the precise day
of Milo's official
visit.

alium nisi T. Patinam, familiarissimum suum,
rogasset, scire potuit illo ipso die Lanuvii a
dictatore Milone prodi flaminem necesse esse.

Sed erant permulti alii ex quibus id facillime scire posset,
omnes scilicet Lanuvini. Milo de Clodii reditu unde quæ-
sivit? quæsierit sane; videte quid vobis largiar. Servum
etiam, ut Q. Arrius meus amicus dixit, corruperit. Legite

This is plain even
from the evidence
of the witnesses
for Clodius.

testimonia testium vestrorum. Dixit C. Cassi-
nius Schola, Interamnas, familiarissimus et
idem comes P. Clodii,—cujus jam pridem tes-

timonio Clodius eadem hora Interamnæ fuerat et Romæ,—
P. Clodium illo die in Albano mansurum fuisse, sed subito
ei esse nuntiatum Cyrum architectum esse mortuum; itaque
Romam repente constituisse proficisci. Dixit hoc comes
18 item P. Clodii, C. Clodius. Videte, iudices, quantæ res his 47
testimoniis sint confectæ. Primum certe liberatur Milo non
eo consilio profectus esse ut insidiaretur in via Clodio:

I need not stay
to point out how
their evidence
absolves me also
from complicity
in this affair.

quippe; si ille obvius ei futurus omnino non
erat. Deinde,—non enim video cur non meum
quoque agam negotium—scitis, iudices, fuisse
qui in hac rogatione suadenda dicerent Milo-
nis manu cædem esse factam, consilio vero

majoris alicujus: me videlicet latronem ac sicarium abjecti
homines et perditii describebant. Jacent suis testibus ii
qui Clodium negant eo die Romam, nisi de Cyro audisset,
fuisse rediturum. Respiravi, liberatus sum; non vereor ne
quod ne suspicari quidem potuerim videar id cogitasse.

If the death of
Cyrus was the
cause of his re-
turn, why all this
haste? He had
left him dying,
and he knew that
Cyrus had made

Nunc persequar cetera. Nam occurrit illud: 48
'Igitur ne Clodius quidem de insidiis cogitavit,
quoniam fuit in Albano mansurus.' Siquidem
exiturus ad cædem e villa non fuisset. Video
enim illum qui dicitur de Cyri morte nuntiasse

§ 47. *sint confectæ*. Sic vulgo et Matth.; *sunt confectæ*, Orell.—Ibid.
quippe; si ille. Sic Lambini Codd.; *si ille* uncinis inclusit Orell., omisit Matth.;
vulgo *quippe qui ei obvius*.

§ 48. *mansurus*. *Siquidem*. Sic Orell. et Matth.; vulgo, *mansurus, siquidem*.

him and myself
his joint-heirs by
will.

non id nuntiasset, sed Milonem appropinquare :
nam quid de Cyro nuntiaret, quem Clodius

Roma proficiscens reliquerat morientem? Una
fui, testamentum simul obsignavi cum Clodio; testamen-
tum autem palam fecerat, et illum heredem et me scrip-
serat: quem pridie hora tertia animam efflantem reliquis-
set, eum mortuum postridie hora decima denique ei nuntia-

19 He could there-
fore neither lose
nor gain anything
by hurrying back
to Rome that very
night, and so risk-
ing his life in the
dark.

batur? Age, sit ita factum. Quæ causa cur 49

Romam properaret? cur in noctem se conjice-
ret? Quid afferebat festinationis quod heres
erat? Primum erat nihil cur properato opus
esset; deinde, si quid esset, quid tandem

erat quod ea nocte consequi posset, amitteret autem,

And if, as is
pretended, Milo
knew of this re-
solve, surely it
would have been
more safe for him
to lie in wait
for Clodius in the
thievish corners
of the suburban
streets than on an
open road.

si postridie mane Romam venisset? At-
que ut illi nocturnus ad urbem adventus vi-
tandus potius quam expetendus fuit, sic Miloni,
quum insidiator esset, si illum ad urbem noctu
accessurum sciebat, subsidendum atque ex-
spectandum fuit. Noctu, insidioso et pleno 50
latronum in loco occidisset: nemo ei neganti
non credidisset, quem esse omnes salvum, etiam

confitentem, volunt. Sustinisset hoc crimen primum ipse
ille latronum occultator et receptator locus, dum neque
muta solitudo indicasset neque cæca nox ostendisset Milo-
nem; deinde ibi multi ab illo violati, spoliati, bonis expulsi;
multi etiam hæc timentes in suspicionem caderent; tota
denique rea citaretur Etruria. Atque illo die certe Aricia 51
rediens devertit Clodius ad se in Albanum. Quod nisi sciret
Milo illum Ariciæ fuisse, suspicari tamen debuit eum, etiam
si Romam illo die reverti vellet, ad villam suam, quæ viam
tangeret, deversurum: cur neque ante occurrit, ne ille
in villa resideret, nec eo in loco subsedit quo ille noctu
venturus esset?

§ 50. *insidioso*. Sic Orell. et Matth.; vulgo, *invidioso*.—Ibid. *ibi multi*.
Sic Orell.; *ibi om.* Matth.

§ 51. *quod nisi sciret*. Sic Matth.; *quod ut sciret*, Orell.; sed vide annot.

Recapitulation.

Video adhuc constare omnia, iudices: Miloni etiam utile fuisse Clodium vivere, illi ad ea quæ concupierat optatissimum interitum Milonis; odium fuisse illius in hunc acerbissimum, nullum hujus in illum; consuetudinem illius perpetuam in vi inferenda, hujus tantum in repellenda; mortem ab illo denuntiata Miloni et prædictam palam, nihil unquam auditum ex Milone; perfectionis hujus diem illi notum, redditum illius huic ignotum fuisse; hujus iter necessarium, illius etiam potius alienum; hunc præ se tulisse se illo die Roma exiturum, illum eo die se dissimulasse rediturum; hunc nullius rei mutasse consilium, illum causam mutandi consilii finxisse; huic, si insidiaretur, noctem prope urbem expectandam, illi, etiam si hunc non timeret, tamen accessum ad urbem nocturnum fuisse metuendum.

20 Fourth Argument.

Ch. 20.

The nature of the ground chosen for the attack was such as entirely to favour the designs of Clodius, and to place Milo at a disadvantage.

Videamus nunc id quod caput est; locus ad insidias ille ipse ubi congressi sunt utri tandem fuerit aptior. Id vero, iudices, etiam dubitandum et diutius cogitandum est? Ante fundum Clodii, quo in fundo propter insanas illas substructiones facile mille hominum versabatur valentium, edito adversarii atque excelso loco superiorem se fore putabat Milo et ob eam rem eum locum ad pugnam potissimum delegerat? an in eo loco est potius expectatus ab eo qui ipsius loci spe facere impetum cogitarat? Res loquitur, iudices, ipsa, quæ semper valet plurimum. Si hæc non gesta audiretis sed picta videretis, tamen appareret uter esset insidiator, uter nihil cogitaret mali, quum alter veheretur in rheda, pænulatus, una sederet uxor: quid horum non impeditissimum? vestitus, an vehiculum, an comes? quid minus promptum ad pugnam, quum pænula irretitus, rheda impeditus, uxore pæne constrictus esset? Videte nunc illum—primum egredientem e villa subito; cur?—vesperi; quid necesse est?—tarde; qui convenit, id præsertim temporis? ‘Devertit in villam Pompeii.’ Pompeium ut videret? sciebat in Als-

ensi esse. Villam ut perspiceret? millies in ea fuerat. Quid ergo erat? mora et tergiversatio: dum hic veniret, locum relinquere noluit.

21

Fifth

Argument.

Ch. 21, 22.

How inconsistent also was Milo's mode of travelling with the supposition that he meditated violence!

Contrast with this the equipment of Clodius. Why then, you will ask, was he beaten? Because the best prepared do not always prevail in such sudden encounters.

Age nunc iter expediti latronis cum Milonis 55

impedimentis comparate. Semper ille antea cum uxore; tum sine ea: nunquam non in rheda; tum in equo: comites Græculi, quocumque ibat, etiam quum in castra Etrusca properabat; tum nugarum in comitatu nihil.

Milo, qui nunquam, tum casu pueros symphoniacos uxoris ducebat et ancillarum greges. Ille qui semper secum scorta, semper exoletos, semper lupas duceret, tum neminem, nisi ut virum a viro lectum esse diceres. Cur igitur victus est? quia non semper viator a latrone, nonnunquam etiam latro a viatore occiditur; quia, quamquam paratus in imparatos Clodius, tamen mulier inciderat in viros. Nec vero sic 56

erat unquam non paratus Milo contra illum ut non satis fere esset paratus. Semper ille et quantum interesset P. Clodii se perire, et quanto illi odio esset, et quantum ille auderet, cogitabat. Quamobrem vitam suam, quam maximis præmiis propositam et pæne addictam sciebat, nunquam in periculum sine præsidio et sine custodia projiciebat. Adde casus, adde incertos exitus pugnarum Martemque communem; qui sæpe spoliante jam et exultante evertit et perculit ab abjecto. Adde inscitiam pransi poti oscitantis ducis; qui quum a tergo hostem interclusum reliquisset, nihil de ejus extremis comitibus cogitavit; in quos incensos ira vitamque domini desperantes quum incidisset, hæsit in iis poenis quas ab eo servi fideles pro domini vita

Objections answered.

It is said that Milo emancipated the slaves who killed Clodius,

expetiverunt. Cur igitur eos manumisit? metuebat scilicet ne indicarent, ne dolorem perferre non possent, ne tormentis cogerentur occisum esse a servis Milonis in Appia via 57

22 that they might not confess. But what could they confess? The fact was admitted: its justice was not the torturer's concern.

Liberty was, after all, but an inadequate reward for men who had saved his life; it saved them too from the painful tortures to which they would have been exposed as slaves.

As to the answers given by the slaves produced by Appius Clodius, they prove nothing; for if those slaves had not said what was required of them, they would have been punished instantly.

P. Clodium confiteri. Quid opus est tortore? quid quæris? occideritne? occidit: jure an injuria? nihil ad tortorem: facti enim in equuleo quæstio est, juris in judicio. Quod igitur in causa quærendum est, id agamus hic; quod tormentis invenire vis, id fatemur. Manu vero cur miserit, si id potius quæris quam cur parum amplius affecerit præmiis, nescis inimici factum reprehendere. Dixit enim hic idem 58 qui omnia semper constanter et fortiter, M. Cato, dixitque in turbulenta concione, quæ tamen hujus auctoritate placata est, non libertate solum sed etiam omnibus præmiis dignissimos fuisse qui domini caput defendissent. Quod enim præmium satis magnum est tam benevolis, tam bonis, tam fidelibus servis, propter quos vivit? etsi id quidem non tanti est quam quod propter eosdem non sanguine et vulneribus suis crudelissimi inimici mentem oculosque satiavit. Quos nisi manumisisset, tormentis etiam dedendi fuerunt conservatores domini, ultores sceleris, defensores necis. Hic vero nihil habet in his malis quod minus moleste ferat, quam, etiam si quid ipsi accadat, esse tamen illis meritum præmium per- 59 solutum. Sed quæstiones urgent Milonem quæ sunt habitæ nunc in atrio Libertatis. Quibusnam de servis? rogas? de P. Clodii. Quis eos postulavit? Appius. Quis produxit? Appius. Unde? ab Appio. Dii boni! quid potest agi severius? De servis nulla lege quæstio est in dominum, nisi de incestu, ut fuit in Clodium. Proxime deos accessit Clodius,—propius quam tum quum ad ipsos penetrarat,—cujus de morte tamquam de cærimoniis violatis quæritur. Sed tamen majores nostri in dominum de servo quæri noluerunt, non quia non posset verum inveniri, sed quia videbatur indignum et dominis morte ipsa tristius. In reum de servis accusatoris

quum quæritur, verum inveniri potest? Age vero, quæ erat 60 aut qualis quæstio? 'Heus tu, Rufio,' (verbi causa) 'cave sis mentiare; Clodius insidias fecit Miloni?' 'Fecit:' certa crux. 'Nullas fecit:' sperata libertas. Quid hac quæstione certius? Subito arrepti in quæstionem, tamen separantur a ceteris et in arcas conjiciuntur, ne quis cum iis colloqui possit. Hi centum dies penes accusatorem quum fuissent, ab eo ipso accusatore producti sunt. Quid hac quæstione dici potest integrius? quid incorruptius?

23 Sixth
Argument,
Ch. 23.

The return of Milo to Rome was not that of a man who felt himself guilty of a crime. He came back instantly, and frankly threw himself on the protection of the state, and of Pompey its head.

Quod si nondum satis cernitis, quum res 61 ipsa tot tam claris argumentis signisque luceat, pura mente atque integra Milonem, nullo scelere imbutum, nullo metu perterritum, nulla conscientia exanimatum, Romam revertisse; recordamini, per deos immortales, quæ fuerit celeritas reditus ejus; qui ingressus in forum, ardente curia; quæ magnitudo animi, qui vultus, quæ oratio. Neque vero se populo solum sed etiam senatui commisit; neque senatui modo sed etiam publicis præsidiis et armis; neque his tantum verum etiam ejus potestati cui senatus totam rem publicam, omnem Italiæ pubem, cuncta populi Romani arma commiserat: cui nunquam se hic profecto tradidisset, nisi causæ suæ confideret, præsertim omnia audienti, magna metuenti, multa suspicanti, nonnulla credenti. Magna vis est conscientiæ, judices, et magna in utramque partem; ut neque timeant qui nihil commiserint, et pœnam semper ante oculos versari putent qui peccarint. Neque vero sine ra- 62 tione certa causa Milonis semper a senatu probata est; videbant enim sapientissimi homines facti rationem, præsentiam animi, defensionis constantiam. An vero obliti estis, judices, recenti illo nuntio necis Clodianæ, non modo inimicorum Milonis sermones et opiniones sed nonnullorum etiam imperitorum? negabant eum Romam esse rediturum. Sive enim illud 63

Nor did he (as some predicted) admit his guilt by going into voluntary exile.

animo irato ac percito fecisset ut incensus odio trucidaret inimicum, arbitrabantur eum tanti mortem P. Clodii putasse, ut æquo animo patria careret, quum sanguine inimici explesset odium suum: sive etiam illius morte patriam liberare voluisset, non dubitaturum fortem virum quin, quum suo periculo salutem rei publicæ attulisset, cederet æquo animo legibus, secum auferret gloriam sempiternam, nobis hæc fruenda relinqueret quæ ipse servasset. Multi etiam Catilinam atque illa portenta loquebantur: 'erumpet, occupabit aliquem locum, bellum patriæ faciet.' Miseros interdum cives optime de re publica meritos! in quibus homines non modo res præclarissimas obliviscuntur, sed etiam nefarias suspicantur. Ergo illa falsa fuerunt; quæ certe vera existissent, si Milo admisisset aliquid quod non posset honeste vereque defendere.

24

Seventh
Argument.

Ch. 24—26.

Observe his indifference to the numerous charges brought against him, at this time, of rebellion and conspiracy.

Quid? quæ postea sunt in eum congesta, 64
quæ quemvis etiam mediocrium delictorum conscientia perculissent, ut sustinuit!—dii immortales! sustinuit? immo vero ut contempsit ac pro nihilo putavit,—quæ neque maximo animo nocens, neque innocens nisi fortissimus vir negligere potuisset. Scutorum, gladiatorum, [frenorum], spavorum, pilorumque etiam multitudo deprehendi posse indicabatur. Nullum in urbe vicum, nullum angiportum esse dicebant, in quo Miloni non esset conducta domus; arma in villam Otriculanam devecta Tiberi; domus in clivo Capitolino scutis referta; plena omnia malleolorum ad urbis incendia comparatorum: hæc non delata solum, sed pæne credita; nec ante repudiata sunt quam quæsitæ.

The position of Pompeius perhaps compelled him to listen sometimes to such charges, from whatever source they came; but they were all

Laudabam equidem incredibilem diligentiam 65
Cn. Pompeii; sed dicam ut sentio, iudices. Nimis multa audire coguntur, neque aliter facere possunt ii quibus tota commissa est res publica. Quin etiam fuerit audiendus popa

§ 64. [frenorum] Suspectum Orell.; omisit Matth.

§ 65. fuerit audiendus. Sic Orell.; audiendus fuerit, Matth.

found to be false
or frivolous.

Licinius, nescio qui de circo maximo, servos Milonis apud se ebrios factos sibi confessos esse, de interficiendo Cn. Pompeio conjurasse, deinde postea se gladio percussus esse ab uno de illis, ne indicaret: Pompeio in hortos nuntiavit; arcessor in primis; de amicorum sententia rem defert ad senatum. Non poteram in illius mei patriæque custodis tanta suspicione non metu exanimari; sed mirabar tamen credi popæ, confessionem servorum audiri, vulnus in latere, quod acu punctum videretur, pro ictu gladiatoris probari: verum, ut intelligo, cavebat magis 66 Pompeius quam timebat, non ea solum quæ timenda erant sed omnino omnia, ne aliquid vos timeretis. Oppugnata domus C. Cæsaris, clarissimi et fortissimi viri, per multas noctis horas nuntiabatur: nemo audierat tam celebri loco, nemo senserat; tamen audiebatur. Non poteram Cn. Pompeium, præstantissima virtute virum, timidum suspicari: diligentiam, tota re publica suscepta, nimiam nullam putabam. Frequentissimo senatu nuper in Capitolio senator inventus est qui Milonem cum telo esse diceret: nudavit se in sanctissimo templo, quoniam vita talis et civis et viri fidem non faciebat, nisi, eo tacente, res ipsa loqueretur.

25 Omnia falsa atque insidiosæ ficta comperta sunt. Quod 67

It has been said
indeed that Pompeius
is himself afraid of Milo;
but of this there
is no proof.

si tamen metuitur etiam nunc Milo, non hoc jam Clodianum crimen timemus, sed tuas, Cn. Pompei, (te enim jam appello, et ea voce ut me exaudire possis), tuas, tuas, inquam, suspiciones perhorrescimus. Si Milonem times, si hunc de tua vita nefarie aut nunc cogitare aut molitum aliquando aliquid putas; si Italiæ delectus, ut nonnulli conquisitores tui dictitarunt, si hæc arma, si Capitolinæ cohortes, si excubiæ, si vigiliæ, si delecta juvenus quæ tuum corpus domumque custodit, contra Milonis impetum armata est, atque illa omnia in hunc unum instituta, parata, intenta sunt; magna in hoc certe vis et incredibilis animus et non unius viri vires

§ 66. nisi, eo tacente. Sic Matth.; ut, eo tacente, Orell.; vide annot.—Ibid. insidiosæ. Sic Orell. et Matth.; vulgo, invidiosæ.

atque opes indicantur, si quidem in hunc unum et præstantissimus dux electus et tota res publica armata est. Sed ⁶⁸

The precautions which he has taken are for the general good in a time of much disorder: they cannot be directed against Milo, than whom there is no one more loyal or more devoted to his cause,

quis non intelligit omnes tibi rei publicæ partes ægras et labantes, ut eas his armis sanares et confirmares, esse commissas? Quod si Miloni locus datus esset, probasset profecto tibi ipsi neminem unquam hominem homini cariorum fuisse quam te sibi; nullum se unquam periculum pro tua dignitate fugisse; cum ipsa illa teterrima peste se sæpissime pro tua gloria

contendisse; tribunatum suum ad salutem meam, quæ tibi carissima fuisset, consiliis tuis gubernatum; se a te postea defensum in periculo capitis, adjutum in petitione præturæ; duos se habere semper amicissimos sperasse, te tuo beneficio, me suo. Quæ si non probaret, si tibi ita penitus inhæsisset ista suspicio, nullo ut evelli modo posset, si denique Italia a delectu, urbs ab armis, sine Milonis clade nunquam esset conquietura, næ iste haud dubitans cessisset patria, is qui ita natus est et ita consuevit; te, Magne, tamen

26

as he may yet live to prove, should some reverse of fortune befall Pompeius.

antestaretur, quod nunc etiam facit. Vide ⁶⁹

quam sit varia vitæ commutabilisque ratio, quam vaga volubilisque fortuna, quantæ infidelitates in amicis, quam ad tempus aptæ

simulationes, quantæ in periculis fugæ proximorum, quantæ timiditates. Erit erit illud profecto tempus et illucescet aliquando ille dies quum tu, salutaribus, ut spero, rebus tuis, sed fortasse motu aliquo communium temporum immutatis, (qui quam crebro accidat, experti debemus scire,) et amicissimi benevolentiam et gravissimi hominis fidem et unius post homines natos fortissimi viri magnitudinem animi de-

sideres. Quamquam quis hoc credat, Cn. Pompei- ⁷⁰

peium, juris publici, mæoris majorum, rei denique publicæ peritissimum, quum senatus ei commiserit ut videret NE QUID RES PVBLICA

And is it credible that Pompeius, if he believed these calumnies, would quietly await the

§ 68. *inhæsisset*. Sic Orell.; *inædisset*, Matth.

§ 69. *in amicis*. Sic Orell.; *in amicitiiis*, Matth.

issue of a slow judicial process, when the extraordinary powers conferred on him enabled him at once and by force of arms to crush his enemy?

DETRIMENTI CAPERET,—quo uno versiculo satis armati semper consules fuerunt, etiam nullis armis datis,—hunc exercitu, hunc delectu dato, iudicium expectaturum fuisse in ejus consiliis vindicandis qui vi judicia ipsa tolleret? Satis

judicatum est a Pompeio, satis, falso ista conferri in Milonem; qui legem tulit qua, ut ego sentio, Milonem absolvi a vobis oporteret; ut omnes confitentur, liceret. Quod vero in illo loco atque illis publicorum praesidiorum copiis circumfusus sedet, satis declarat se non terrorem inferre vobis,—quid enim illo minus dignum, quam cogere ut vos eum condemnetis in quem animadvertere ipse et more majorum et suo jure posset?—sed praesidio esse, ut intelligatis, contra hesternam concionem illam licere vobis quod sentiat libere judicare.

27 Eighth Argument.

Ch. 27—33.

But even if I were unable to prove Milo's innocence, as I have done, he might still take credit to himself for having been the aggressor: he might boldly, though falsely, have said to you: 'I have killed one who has been convicted of adultery, of incest, of conspiracy, and of innumerable other acts of lawlessness and violence.'

Nec vero me, iudices, Clodianum crimen movet; nec tam sum demens tamque vestri sensus ignarus atque expers, ut nesciam quid de morte Clodii sentiat. De qua, si jam nollem ita diluere crimen ut dilui, tamen impune Miloni palam clamare atque mentiri gloriose liceret:—'Occidi occidi, non Sp. Maelium, qui annona levanda jacturisque rei familiaris quia nimis amplecti plebem putabatur in suspicionem incidit regni, appetendi; non Ti. Gracchum, qui collegae magistratum per seditionem abrogavit, quorum interfectores impleverunt orbem terrarum nominis sui gloria; sed eum (auderet enim dicere, quum pa-

triam periculo suo liberasset,) cujus nefandum adulterium in pulvinaribus sanctissimis nobilissimae feminae comprehenderunt eum cujus supplicio senatus sollennes religiones expiandas saepe censuit; eum quem cum sorore germana nefarium stuprum fecisse L. Lucullus juratus se, quaestionibus habitis, dixit comperisse; eum qui civem quem senatus, quem populus Romanus, quem omnes gentes

urbis ac vitæ civium conservatorem judicarant, servorum armis exterminavit; eum qui regna dedit, ademit, orbem terrarum quibuscum voluit partitus est; eum qui, plurimis cædibus in foro factis, singulari virtute et gloria civem domum vi et armis compulit; eum cui nihil unquam nefas fuit nec in facinore nec in libidine; eum qui ædem Nympharum incendit, ut memoriam publicam recensitionis tabulis publicis impressam extingueret; eum, denique, cui 74 jam nulla lex erat, nullum civile jus, nulli possessionum termini; qui non calumnia litium, non injustis vindictis ac sacramentis alienos fundos, sed castris, exercitu, signis inferendis petebat; qui non solum Etruscos, (eos enim penitus contempserat,) sed hunc P. Varium, virum fortissimum atque optimum civem, judicem nostrum, pellere possessionibus armis castrisque conatus est; qui cum architectis et decempedis villas multorum hortosque peragrabat; qui Janiculo et Alpibus spem possessionum terminabat suarum; qui quum ab equite Romano splendido et forti M. Paconio non impetrasset ut insulam in lacu Prelio venderet, repente linitibus in eam insulam materiem calcem cæmenta arma convexit, dominoque trans ripam inspectante, non dubitavit ædificium exstruere in alieno; qui huic T. Furfanio,—cui 75 viro, dii immortales! quid enim ego de muliercula Scantia, quid de adolescente Aponio dicam? quorum utrique mortem est minitatus, nisi sibi hortorum possessione cessisset,—sed ausus est Furfanio dicere, si sibi pecuniam quantum poposcerat non dedisset, mortuum se in domum ejus illaturum, qua invidia huic esset tali viro conflagrandum; qui Appium fratrem, hominem mihi conjunctum fidissima gratia, absentem de possessione fundi dejecit; qui parietem sic per vestibulum sororis instituit ducere, sic agere fundamenta, ut sororem non modo vestibulo privaret sed omni aditu et 28 He might have limine.' Quamquam hæc quidem jam tolerabilia 76

§ 73. *judicarant.* Sic Orell.; *judicabant*, Matth.

§ 74. *splendido et forti*, Orell.; *splendidissimo et forti viro*, Matth.—Ibid. *M. Paconio*, Orell.; *T. Paconio*, Matth.

claimed your everlasting gratitude for having rid you of a monster who, if he had gained the power which he sought, would have spread havoc through the state, and invaded the sanctity of your very hearths and homes.

videbantur, etsi æquabiliter in rem publicam, in privatos, in longinquos, in propinquos, in alienos, in suos irruerat; sed nescio quomodo jam usu obduruerat et percalluerat civitatis incredibilis patientia. Quæ vero aderant jam et impendebant, quonam modo ea aut depellere potuissetis aut ferre? Imperium ille si nactus esset—omitto socios, exteras nationes, reges, tetrarchas; vota enim faceretis ut in eos se potius immitteret quam in vestras possessiones, vestra tecta, vestras pecunias; pecunias dico? a liberis, a liberis, medius fidius, et a conjugibus vestris nunquam ille effrenatas suas libidines cohibuisset. Fingi hæc putatis, quæ patent, quæ nota sunt omnibus, quæ tenentur? servorum exercitus illum in urbe conscrip-
tum fuisse, per quos totam rem publicam, resque privatas omnium possideret? Quamobrem, si cruentum gladium 77 tenens clamaret T. Annius: 'Adeste, quæso, atque audite, cives: P. Clodium interfeci; ejus furores quos nullis jam legibus nullis judiciis frenare poteramus, hoc ferro et hac dextera a cervicibus vestris repuli, per me ut unum jus, æquitas, leges, libertas, pudor, pudicitia in civitate manerent;—esset vero timendum, quonam modo id ferret civi-

And, as it is, are we not all rejoicing heartily at our deliverance, and at the prospect of the state being once more great and prosperous under the consulate of Milo?

tas. Nunc enim quis est qui non probet? qui non laudet? qui non unum post hominum memoriam T. Annium plurimum rei publicæ profuisse, maxima lætitia populum Romanum, cunctam Italiam, nationes omnes affecisse, et dicat et sentiat? Non queo vetera illa populi Romani gaudia quanta fuerint judicare: multas tamen jam summorum imperatorum clarissimas victorias ætas nostra vidit, quarum nulla neque tam diuturnam attulit lætitiam, nec tantam. Mandate hoc memoriæ, 78 iudices. Spero multa vos liberosque vestros in re publica bona esse visuros; in iis singulis ita semper existimabitis, vivo P. Clodio, nihil eorum vos visuros fuisse. In spem

maximam et, quemadmodum confido, verissimam adducti sumus, hunc ipsum annum, hoc ipso summo viro consule, compressa hominum licentia, cupiditatibus fractis, legibus et judiciis constitutis, salutarem civitati fore. Num quis igitur est tam demens qui hoc, P. Clodio vivo, contingere potuisse arbitretur? Quid? ea quæ tenetis privata atque vestra, dominante homine furioso, quod jus perpetuæ possessionis habere potuissent? Non timeo, iudices, ne odio inimicitiarum mearum inflammatus, libentius hæc in illum evomere videar quam verius: etenim, etsi præcipuum esse debebat, tamen ita communis erat omnium ille hostis, ut in communi odio pæne æqualiter versaretur odium meum. Non potest dici satis, ne cogitari quidem, quantum in illo sceleris, quantum exitii fuerit.—Quin sic attendite, iudices. 79 Nempæ hæc est quæstio de interitu P. Clodii.—Fingite ani-

Only ask yourselves with what feelings you would see Clodius restored to life:

mis (liberæ enim sunt cogitationes nostræ, et quæ volunt sic intuentur ut ea cernimus quæ videmus) fingite igitur cogitatione imaginem hujus conditionis meæ, si possim efficere ut Milonem absolvatis, sed ita, si P. Clodius revixerit. Quid vultu extimuiſtis? quonam modo ille vos vivus afficeret, quos mortuus inani cogitatione percussit! Quid? si ipse Cn. Pompeius—qui ea virtute ac fortuna est ut ea potuerit semper quæ nemo præter illum—si is inquam potuisset ut quæſtionem de morti P. Clodii ferre, sic ipsum ab inferis excitare, utrum putatis potius facturum fuisse? Etiamſi propter amicitiam vellet illum ab inferis evocare, propter rem publicam non fecisset. Ejus igitur mortis sedetis ultores, cujus vitam si putetis per vos restitui posse, nolitis; et de ejus nece lata quæſtio est, qui si eadem lege reviviscere posset, lata lex nunquam esset. Hujus ergo interfector qui esset, in confitendo ab iisne pœnam timeret quos liberavisset? 80 Græci homines deorum honores tribuunt iis viris qui tyrannos necaverunt. Quæ

and emulate the gratitude of those who, like the Greeks, paid di-

§ 79. *quos mortuus*. Sic Orell. et Matth.; al. *qui mortuus*.—Ibid. *evocare*. Sic Orell. et Matth.; al. *revocare*.—Ibid. *interfector qui esset*; Matth. cum Grævio: *interfector, si esset*, Orell.; vide annot.

vine honours to
the men who freed
their land from
tyranny.

ego vidi Athenis! quæ aliis in urbibus Græciæ!
quas res divinas talibus institutas viris, quos
cantus, quæ carmina! prope ad immortalitatis et religionem et memoriam consecrantur. Vos tanti conservatorem populi, tanti sceleris ultorem, non modo honoribus nullis afficietis, sed etiam ad supplicium rapi patiemiini? Confiteretur, confiteretur inquam, si fecisset, et magno animo et libente se fecisse libertatis omnium causa; quod esset ei certe non confitendum modo verum
30 etiam prædicandum: etenim, si id non negat ex quo nihil 81
petit nisi ut ignoscatur, dubitaret id fateri ex quo etiam præmia laudis essent petenda? nisi vero gratius putat esse vobis, sui se capitis quam vestri defensorem fuisse; quum præsertim in ea confessione, si grati esse velletis, honores assequeretur amplissimos. Si factum vobis non probaretur, (quamquam qui poterat salus sua cuiquam non probari?) sed tamen si minus fortissimi viri virtus civibus grata cecidisset, magno animo constantique cederet ex ingrata civitate: nam quid esset ingratus quam lætari ceteros, lugere eum solum propter quem ceteri lætarentur?

The greater the
risks incurred, the
greater is the
claim of such
men to the grati-
tude of their fel-
low-citizens.

Quamquam hoc animo semper fuimus omnes 82
in patriæ proditoribus opprimendis, ut, quoniam nostra futura esset gloria, periculum quoque et invidiam nostram putaremus: nam quæ mihi ipsi tribuenda laus esset, quum tantum in consulatu meo pro vobis ac liberis vestris ausus essem, si id quod conabar sine maximis dimicationibus meis me esse ausurum arbitrarer? quæ mulier sceleratum ac perniciosum civem occidere non auderet, si periculum non timeret? Proposita invidia, morte, pœna, qui nihilo segnius rem publicam defendit, is vir vere putandus est. Populi grati est, præmiis afficere bene meritos de re publica cives; viri fortis, ne suppliciis quidem moveri ut fortiter fecisse poeniteat. Quamobrem uteretur eadem confessione T. 83

§ 81. *quam vestri defensorem.* Sic Orell; *quam vestri ordinis defensorem*, Matth.

Annius qua Ahala, qua Nasica, qua Opimius, qua Marius, qua nosmet ipsi; et, si grata res publica esset, lætaretur; si ingrata, tamen in gravi fortuna conscientia sua niteretur.

But in truth our thankfulness is due, not to Milo, but to that divine Providence which has raised this city to its present glory.

Sed hujus beneficii gratiam, judices, Fortuna populi Romani et vestra felicitas et dii immortales sibi deberi putant: nec vero quisquam aliter arbitrari potest, nisi qui nullam vim esse ducit numenve divinum; quem neque imperii vestri magnitudo, neque sol ille, nec cœli signorumque motus, nec vicissitudines rerum atque ordines movent, neque, id quod maximum est, majorum nostrorum sapientia, qui sacra, qui cærimonias, qui auspicia et ipsi sanctissime colue-
31 runt et nobis suis posteris prodiderunt. Est est profecto 84 illa vis; neque in his corporibus atque in hac imbecillitate nostra inest quiddam quod vigeat et sentiat, et non inest in hoc tanto naturæ tam præclaro motu: nisi forte idcirco esse non putant, quia non apparet nec cernitur; proinde quasi nostram ipsam mentem, qua sapimus, qua providemus, qua hæc ipsa agimus ac dicimus, videre, aut plane qualis aut ubi sit sentire possimus. Ea vis, ea igitur ipsa quæ sæpe incredibiles huic urbi felicitates atque opes attulit, illam perniciem exstinxit ac sustulit; cui primum mentem iniecit ut vi irritare ferroque lacessere fortissimum virum auderet, vincereturque ab eo, quem si vicisset, habiturus

The gods have interposed to punish him who had so sacrilegiously profaned their rites and overthrown their altars.

esset impunitatem et licentiam sempiternam. Non est humano consilio, ne mediocri quidem, 85 judices, deorum immortalium cura res illa perfecta. Religiones mehercule ipsæ, quæ illam belluam cadere viderunt, commosse se videntur et jus in illo suum retinuisse. Vos enim jam, Albani tumuli atque luci, vos inquam imploro atque testor, vosque, Albanorum obrutæ aræ, sacrorum populi Romani sociæ et æquales, quas ille præceps amentia, cæsis prostratisque sanctissimis lucis, substructionum insanis molibus oppreserat; vestræ tum, aræ, vestræ religiones vigerunt, vestra

§ 85. *vestræ tum, aræ.* Sic Orell.; *aræ* om. Matth. contra Codd.

vis valuit, quam ille omni scelere polluerat; tuque ex tuo edito monte, Latiaris sancte Jupiter, cujus ille lacus nemora finesque sæpe omni nefario stupro et scelere macularat, aliquando ad eum puniendum oculos aperuisti; vobis illæ vobis, vestro in conspectu, seræ sed justæ tamen et debitæ pœnæ solutæ sunt. Nisi forte hoc etiam casu factum ⁸⁶ esse dicemus, ut ante ipsum sacrarium Bonæ deæ quod est in fundo T. Sextii Galli, in primis honesti et ornati adolescentis, ante ipsam inquam Bonam deam quum prælium commisisset, primum illud vulnus acceperit quo teterimam mortem obiret; ut non absolutus iudicio illo nefario

32 Their vengeance dogged him even after death, by leaving his black and mangled corpse without the honours of a decent burial.

videretur, sed ad hanc insignem pœnam reservatus. Nec vero non eadem ira deorum hanc ejus satellitibus iniecit amentiam, ut sine imaginibus, sine cantu atque ludis, sine exsequiis, sine lamenfis, sine laudationibus, sine funere, oblitus cruore et luto, spoliatus illius supremi diei celebritate, quam concedere etiam inimici solent, ambureretur abjectus. Non fuisse credo fas clarissimorum virorum formas illi teterrimo parricidæ aliquid decoris afferre, neque ullo in loco potius mortem ejus lacerari, quam in quo vita esset damnata. Dura mihi, ⁸⁷ medius fidius, jam Fortuna populi Romani et crudelis videbatur, quæ tot annos illum in hanc rem publicam insultare videret et pateretur. Polluerat stupro sanctissimas religiones, senatus gravissima decreta perfregerat, pecunia se a iudiciis palam redemerat, vexarat in tribunatu senatum, omnium ordinum consensu pro salute rei publicæ gesta resciderat, me patria expulerat, bona diripuerat, domum incenderat, liberos conjugem meam vexarat, Cn. Pompeio nefarium bellum indixerat, magistratum privatorumque cædes effecerat, domum mei fratris incenderat, vastarat Etruriam, multos sedibus ac fortunis ejecerat; instabat,

It did indeed seem strange that such a man should be allowed so long to trample on all laws, both human and divine, restrained by none but Milo.

§ 86. *acceperit*, Matth.; *acciperet*, Orell.

Ibid. *quam concedere*. Vulgo et Matth.; *cui concedere*, Orell.

urgebat; capere ejus amentiam civitas Italia provinciæ regna non poterant: incidebantur jam domi leges, quæ nos nostris servis addicerent; nihil erat cujusquam quod quidem ille adamasset quod non hoc anno suum fore putaret. Ob- 88 stabat ejus cogitationibus nemo præter Milonem: ipsum illum qui poterat obstare, novo reditu in gratiam quasi devinctum arbitrabatur; Cæsaris potentiam suam esse dicebat; bonorum animos etiam in meo casu contempserat;

33 He alone, I repeat, was raised up by Providence to be, unintentionally, the instrument of our deliverance.

There was no hope from any other quarter: the senate was powerless; the consuls, if Milo had been killed, would have become the creatures of Clodius.

Milo unus urgebat. Hic dii immortales, ut supra dixi, mentem illi perditō ac furioso dederunt ut huic faceret insidias. Aliter perire pestis illa non potuit; nunquam illum res publica suo jure esset ulta. Senatus credo prætorem eum circumscripsisset: ne quum solebat quidem id facere in privato eodem hoc, aliquid profecerat. An consules in prætore 89 coërcendo fortes fuissent? primum, Milone occiso, habuisset suos consules: deinde quis

in eo prætore consul fortis esset, per quem tribunum virtutem consularem crudelissime vexatam esse meminisset? Oppressisset omnia, possideret teneret; lege nova, quæ est inventa apud eum cum reliquis legibus Clodianis, servos nostros libertos suos fecisset: postremo, nisi eum dii immortales in eam mentem impulissent ut homo effeminatus fortissimum virum conaretur occidere, hodie rem publicam

Even when dead, he was the cause of mischief, as the burning of the senate-house by Sex. Clodius will testify. What might he not have done, when living?

nullam haberetis. An ille prætor, ille vero 90 consul, si modo hæc templa atque ipsa mœnia stare eo vivo tamdiu et consulatum ejus expectare potuissent, ille denique vivus mali nihil fecisset, qui mortuus, uno ex suis satellitibus Sex. Clodio duce, curiam incenderit?

quo quid miserius quid acerbius quid luctuosius vidimus? Templum sanctitatis amplitudinis mentis consilii publici, caput urbis, aram sociorum, portum omnium gentium, sedem ab universo populo Romano concessam uni ordini, inflammari exscindi funestari! neque id fieri a mul-

titudine imperita, quamquam esset miserum id ipsum, sed ab uno! qui quum tantum ausus sit ustor pro mortuo, quid signifer pro vivo non esset ausus? In curiam potissimum abiecit, ut eam mortuus incenderet quam vivus everterat. Et sunt qui de via Appia querantur, taceant de curia! et 91 qui ab eo spirante forum putent potuisse defendi cujus non restiterit cadaveri curia! Excitate excitate ipsum, si potestis, ab inferis. Frangetis impetum vivi, cujus vix sustinetis furias insepulti? nisi vero sustinuistis eos qui cum facibus ad curiam concurrerunt, cum falcibus ad Castoris, cum gladiis toto foro volitarunt. Cædi vidistis populum Romanum, concionem gladiis disturbari, quum audiretur silentio M. Cælius, tribunus plebis, vir et in re publica fortissimus et in suscepta causa firmissimus, et bonorum voluntati et auctoritati senatus deditus, et in hac Milonis sive invidia sive fortuna, singulari divina et incredibili fide.

34 Peroration.

Ch. 34—38.

But I have said enough, and more than enough. It now only remains for me to ask your compassion for one who disdains to ask it for himself.

Sed jam satis multa de causa; extra causam etiam nimis fortasse multa. Quid restat nisi ut orem obtesterque vos, iudices, ut eam misericordiam tribuatis fortissimo viro quam ipse non implorat, ego, etiam repugnante hoc, et imploro et exposco? Nolite, si in nostro omnium fletu nullam lacrymam adspexistis Milonis, si vultum semper eundem, si vocem si orationem stabilem ac non mutatam videtis, hoc minus ei parcere. Haud scio an multo etiam sit adjuvandus magis: etenim si in gladiatoriiis pugnis et in infimi generis hominum conditione atque fortuna timidos et supplices et ut vivere liceat obsecrantes etiam odisse solemus, fortes et animosos et se acriter ipsos morti offerentes servare cupimus, eorumque nos magis miseret qui nostram misericordiam non requirunt quam qui illam efflagitant; quanto hoc magis in fortissimis civibus facere debemus? Me quidem, iudices, 93 exanimant et interimunt hæ voces Milonis quas audio assidue et quibus intersum quotidie. 'Valeant valeant,' inquit, 'cives mei valeant;

It almost kills me to hear him continually declare his willingness to leave his country, now that

he can leave it
safe and prosper-
ous:

sint incolumes, sint florentes, sint beati; stet
hæc præclara mihique patria carissima, quoquo
modo erit merita de me. Tranquilla re publica cives mei,
quoniam mihi cum illis non licet, sine me ipsi sed per me
tamen perfruantur. Ego cedam atque abibo. Si mihi re
publica bona frui non licuerit, at carebo mala, et quam
primam tetigero bene moratam et liberam civitatem, in ea
conquiescam. O frustra (inquit) suscepti mei 94
labores! o spes fallaces! o cogitationes inanes
meæ! Ego, quum tribunus plebis, re publica
oppressa, me senatui dedissem, quem extinc-
tum acceperam; equitibus Romanis, quorum vires erant
debiles; bonis viris, qui omnem auctoritatem Clodianis
armis abjecerant: mihi unquam bonorum præsidium defu-
turum putarem? Ego, quum te (mecum enim sæpissime
loquitur) patriæ reddidissem, mihi putarem in patria non
futurum locum? Ubi nunc senatus est quem secuti sumus?
ubi equites Romani illi, illi, inquit, tui? ubi studia munici-
piorum? ubi Italiæ voces? ubi denique tua, M. Tulli, quæ
plurimis fuit auxilio vox et defensio? mihine ea soli, qui
pro te toties morti me obtuli, nihil potest opitulari?"

- 35 He is, however, confident that his fellow-citizens will not prove ungrateful, having already shewn him so many marks of their esteem.
- Nec vero hæc, iudices, ut ego nunc, flens, 95
sed hoc eodem loquitur vultu quo videtis.
Negat enim se negat ingratis civibus fecisse
quæ fecerit; timidis et omnia circumspicien-
tibus pericula, non negat. Plebem et infimam
multitudinem quæ, P. Clodio duce, fortunis
vestris imminebat, eam, quo tutior esset vita vestra, se
fecisse commemorat, ut non modo virtute flecteret, sed
etiam tribus suis patrimoniis deleniret; nec timet ne, quum
plebem muneribus placarit, vos non conciliarit meritis in
rem publicam singularibus. Senatus erga se benevolentiam
temporibus his ipsis sæpe esse perspectam; vestras vero et
vestrorum ordinum occursationes studia sermones, quem-
cumque cursum fortuna dederit, secum se ablaturum esse

dicat. Meminit etiam sibi vocem præconis modo defuisse, 96
quam minime desiderarit; populi vero cunctis suffragiis, quod
unum cupierit, se consulem declaratum. Nunc denique, si
hæc arma contra se sint futura, sibi facinoris suspicionem

In any case, he
feels happy in the
consciousness of
having done his
duty, and won for
himself a lasting
renewal, wherever
it may be his fate
to live.

non facti crimen obstare. Addit hæc, quæ
certe vera sunt, fortes et sapientes viros non
tam præmia sequi solere recte factorum quam
ipsa recte facta; se nihil in vita nisi præcla-
rissime fecisse, siquidem nihil sit præstabilius
viro quam periculis patriam liberare; beatos
esse quibus ea res honori fuerit a suis civibus; nec tamen 97
eos miseros qui beneficio cives suos vicerint: sed tamen ex
omnibus præmiis virtutis, si esset habenda ratio præmi-
orum, amplissimum esse præmium gloriam; esse hanc unam
quæ brevitatem vitæ posteritatis memoria consolaretur,
quæ efficeret ut absentes adessemus, mortui viveremus;
hanc denique esse cujus gradibus etiam homines in cælum
viderentur adscendere. 'De me (inquit) semper populus 98
Romanus semper omnes gentes loquentur, nulla unquam
obmutescet vetustas. Quin hoc tempore ipso, quum omnes a
meis inimicis faces invidiæ meæ subjiciantur, tamen omni
in hominum cœtu gratiis agendis et gratulationibus habendis
et omni sermone celebramur. Omitto Etruriæ festos et
actos et institutos dies; centesima lux est hæc ab interitu
P. Clodii et opinor altera; qua fines imperii populi Romani
sunt, non solum fama jam de illo sed etiam lætitia pera-
gravit. Quamobrem, ubi corpus hoc sit, non (inquit)
laboro, quoniam omnibus in terris et jam versatur et semper

36

As for myself,
I know not how
I could bear to
be separated from
him; and that
through the act,
not of my ene-
mies, but my
friends.

habitabit nominis mei gloria.' Hæc tu mecum 99
sæpe, his absentibus; sed iisdem audientibus,
hæc ego tecum, Milo. Te quidem, quod isto
animo es, satis laudare non possum; sed quo
est ista magis divina virtus, eo majore a te
dolore divellor. Nec vero, si mihi eriperis,

§ 96. hæc arma. Sic vulgo et Matth.; arma, om. Orell.

§ 99. quod isto animo es. Sic Matth.; quum isto animo es, Orell. cum
Græv. et Ern. vide annot.

reliqua est illa tamen ad consolandum querela, ut his irasci possim a quibus tantum vulnus accepero. Non enim inimici mei te mihi eripient sed amicissimi, non male aliquando de me meriti sed semper optime. Nullum unquam, iudices, mihi tantum dolorem inuretis (etsi quis potest esse tantus?) sed ne hunc quidem ipsum, ut obliviscar quanti me semper feceritis. Quæ si vos cepit oblivio, aut si in me aliquid offendistis, cur non id meo capite potius luitur quam Milonis? præclare enim vixero, si quid mihi acciderit prius quam hoc

At least, it is consoling to reflect that I have ever done all within my power to testify my affection for him; and that I may still share his lot, whatever that may be.

tantum mali videro. Nunc me una consolatio sustentat, quod tibi, T. Anni, nullum a me

amoris nullum studii nullum pietatis officium defuit. Ego inimicitias potentium pro te appetivi; ego meum sæpe corpus et vitam objeci armis inimicorum tuorum; ego me plurimis pro te supplicem abjeci; bona, fortunas meas ac liberorum meorum, in communionem tuorum

temporum contuli; hoc denique ipso die, si qua vis est parata, si qua dimicatio capitis futura, deponco. Quid jam restat? quid habeo quod dicam quod faciam pro tuis in me meritis, nisi ut eam fortunam, quæcumque erit tua, ducam meam? Non recuso, non abnuo; vosque obsecro, iudices, ut vestra beneficia quæ in me contulistis, aut in hujus salute augeatis, aut in ejusdem exitio occasura esse

37 videatis. His lacrymis non movetur Milo: est quodam

incredibili robore animi; exsilium ibi esse putat ubi virtuti non sit locus; mortem naturæ finem esse, non pœnam. Sit hic ea mente, qua natus est. Quid? Vos, iudices, quo

tandem animo eritis? Memoriam Milonis retinebitis, ipsum ejicietis? et erit dignior locus in terris ullus qui hanc virtutem excipiat quam hic qui procreavit? Vos vos appello, fortissimi viri, qui multum pro repub-

Yet I implore you to keep among you the person of him whose memory you will cherish with pride.

§ 100. *dimicatio capitis*, Orell.; *diminutio capitis*, Matth.—Ibid. *quod dicam* uncinis inclusit Orell., omisit Matth.

§ 101. *sit hic ea mente qua natus est*, Orell.; *sed sit hic*, etc. Matth.; al. *sed hic ea mente natus est*.

lica sanguinem effudistis; vos in viri et in civis invicti appello periculo, centuriones, vosque, milites; vobis non modo inspectantibus sed etiam armatis et huic iudicio præsidentibus, hæc tanta virtus ex hac urbe expelletur exter-

Can it be that I have been restored to you by his exertions, only to see myself powerless to save him from unmerited disgrace?

minabitur projicietur? O me miserum, O me 102

infelicem! Revocare tu me in patriam, Milo, potuisti per hos; ego te in patria per eosdem retinere non potero? Quid respondebo liberis meis, qui te parentem alterum putant? quid

tibi, Q. frater, qui nunc abes, consorti mecum temporum illorum? mene non potuisse Milonis salutem tueri per eosdem per quos nostram ille servasset? at in qua causa non potuisse? quæ est grata gentibus: a quibus non potuisse? ab iis, qui maxime P. Clodii morte acquirunt: quo deprecante? me. Quodnam ego concepi tantum sce- 103
lus, aut quod in me tantum facinus admisi, iudices, quum illa iudicia communis exitii indagavi patefecerem protuli extinxi? Omnes in me meosque redundant ex fonte illo

This would indeed make my return to Rome more bitter than my departure from it.

dolores. Quid me reducem esse voluistis? an ut, inspectante me, expellerentur ii per quos essem restitutus? Nolite, obsecro vos, pati mihi acerbiorum redditum esse quam fuerit

ille ipse discessus: nam qui possum putare me restitutum

38 esse, si distrahor ab iis per quos restitutus sum? Utinam

If it were not unpatriotic, I could almost wish to see Clodius, not only alive, but prætor, consul, dictator, — anything, rather than witness such a sight.

dii immortales fecissent (pace tua, patria, dixerim; metuo enim ne scelerate dicam in te quod pro Milone dicam pie) utinam P. Clodius non modo viveret, sed etiam prætor consul dictator esset potius quam hoc spectaculum viderem. O dii immortales! fortem et a vobis, 104

iudices, conservandum virum! 'Minime, minime,' inquit: 'immo vero pœnas ille debitas luerit; nos subeamus, si ita necesse est, non debitas.' Hiccinne vir patriæ natus usquam

Will you expel him whom every other city would receive with open arms?

nisi in patria morietur? aut, si forte, pro patria? Hujus vos animi monumenta retinebitis; corporis in Italia nullum sepulcrum esse patiemini? Hunc sua quisquam sententia ex

hac urbe expellet, quem omnes urbes expulsum a vobis ad
se vocabunt? O terram illam beatam quæ hunc virum ¹⁰⁵
exceperit; hanc ingratam, si ejecerit; miseram, si amiserit!

But I forbear:
vote as I know
you feel; and be
assured that no
one will approve
your verdict more
than he who gave
you your com-
mission.

Sed finis sit: neque enim præ lacrymis jam
loqui possum; et hic se lacrymis defendi vetat.
Vos oro obtestorque, judices, ut in sententiis
ferendis quod sentietis id audeatis. Vestram
virtutem justitiam fidem, mihi credite, is
maxime probabit, qui in iudiciis legendis
optimum et sapientissimum et fortissimum quemque
delegit.



NOTES ON CICERO *PRO MILONE*.

CHAPTER I.

§ 1. *Vereor...timere*. *Vereri* expresses fear springing from a sense of *awe* or *humility*; *timere*, fear arising from a sense of *danger*, or fear of *punishment*. Comp. Liv. xxxix. 37: '*veremur quidem vos, Romani, et si ita vultis, etiam timemus; sed plus et veremur et timemus deos immortales.*'

judices. According to the recent enactment of Pompeius, eighty-one judges were selected by lot out of a list of three hundred proposed by himself; this number was reduced to fifty-one by challenge on either side, of whom eighteen were Senators, seventeen Equites, and sixteen Tribuni *Ærarii*.

hæc novi iudicii nova forma, 'the present novel appearance of a court which is itself novel.' See Introduction. The ordinary court for the investigation of such a charge as the present would have been that of the Prætor whose duty it was to preside over trials for acts of violence; for the '*quæstio de vi publica*' had become one of the '*quæstiones perpetuæ*' since the time of Sulla. The words '*nova forma*' refer to the presence of troops in the Forum.

veterem consuetudinem, 'the long-established routine:—*pristinum morem*, 'the previous practice.'

§ 2. *non enim...stipati sumus*, 'for your bench is not encircled, as it used to be, by a ring (of listeners); we are not beset on every side by the customary throng (of citizens).' Comp. Lucan, *Phars.* i. 319:

Quis castra timent
Nescit mixta foro? gladii quum triste minantes
Judicium insolita trepidum cinxere corona,
Atque auso medias perrumpere milite leges,
Pompeiana reum clausurunt signa Milonem.

nam illa...possimus, 'for those guards whom you observe in front of all the temples, though stationed there to ward off violence, still bring an advocate no benefit; so that, fenced in as we are by protectors as useful as they are necessary, we cannot even dismiss our fears without some fear.'

non afferunt tamen oratori aliquid, i.e. although the troops might be useful in preventing violence, still they could not afford assistance and encouragement to the efforts of a pleader, nor increase his fame, as the usual crowd of citizens did, by applause and other marks of approval. Obs. The emphatic words in the clause are *afferunt* and

oratori. See *de Nat. Deor.* II. c. 63, § 158. For the use of *aliquid afferre* in a negative sentence, comp. *de Fin.* II. c. 27, § 87. 'negat Epicurus diuturnitatem quidem temporis ad beate vivendum aliquid afferre.'—*pro templis*. The temples of Jupiter Stator, Castor and Pollux, Peace, and Concord, were among those that surrounded the Forum.

reum, 'under accusation.' According to Cicero, *reus* originally meant any one implicated in an action: see *de Orat.* II. c. 43, § 183: 'reos autem appello non eos modo qui arguuntur, sed omnes quorum de re disceptatur; sic enim olim loquebantur.'

Quæ si...cederem tempori. The emphasis is here intended to be laid upon the word '*oppositæ*:'—'and if I thought that these preparations had been made with any *offensive* design *against* Milo [rather than for his *defence*], I should yield to the force of circumstances.'

tradidisset...dedere. *Tradere*, 'to deliver over,' or consign to another: *dedere*, 'to deliver up,' or 'resign.'

§ 3. *denuntiant*, 'give notice of:' comp. *de Off.* I. 11, '*bellum denuntiare ante et indicere*.'

neque solum...hortantur, 'and encourage us to feel not merely composed, but even stout-hearted.'

quæ quidem est civium, 'so far as it does consist of citizens:' '*quidem*' is here used to strengthen the preceding relative, and to bring out more strongly the contrast between the troops and the citizens. In Greek this effect would be produced by the insertion of *καί* between the relative and the verb.

neque eorum...putat, 'and there is not one of those whom you perceive intently gazing at us from every spot from which a view can be obtained of any portion of the forum, and awaiting the issue of the present trial, who, in giving his support to Milo's virtues, does not at the same time think that the decision of this day is one concerning himself, his children, his country, and his property.'

CHAPTER II.

quos...pavit, 'whom the frenzy of Publius Clodius fed upon pillage, and flames, and every species of public disaster.' For this use of the word *exitia*, comp. Virg. *Æn.* VII. 129:

hæc (fames) nos suprema manebat
Exitii positura modum.

hesterna etiam concione, 'even so lately as at yesterday's meeting.' This refers to a public meeting at which Munatius Plancus and other tribunes of the plebs had been haranguing the populace against Milo and Cicero.

ut vobis...quid judicaretis, 'to dictate to you the form of words in which you should give your verdict.' The person who recited the form of an oath &c. for another to repeat after him was said *voce præire*. Sometimes the word *voce* is omitted, as in the speech *Pro domo*, ch. 52: 'Ades, ades, Luculle Servili, dum dedico domum Ciceronis, ut mihi præeatis.'

pro vestra salute, 'in promoting your welfare.' Comp. *Ep. ad Fam.* v. 9: 'An verear ne qui potentissimorum hominum conspirationem neglexerit pro mea salute...' The more usual phrase is 'negligere præ' (in comparison with).

§ 4. *adeste animis*, 'preserve your presence of mind.' Comp. *Somn. Scip.* ch. 1: 'sed ille, Ades, inquit, animo, et omitte terrorem.' The phrase *adesse animo* is used in two senses: (1) 'to pay attention,' as in the speech *pro Cæcina*, ch. 10: 'is testis, ut facile intelligeretis eum non adfuisse animo, quum ab illis causa ageretur.' (2) 'to be calm and self-possessed.'

amplissimorum ordinum. By the *Lex Aurelia*, of which the prætor L. Aurelius Cotta was the author, (B.C. 70) it was enacted that the judges should be chosen from the three classes of Senators, Equites, and Tribuni Ærarii; but it was customary at this period to speak of the 'judicia' as divided between the two former, who are here described as 'amplissimi ordines.' See Dr Smith's *Dict. of Antiq. Art. Judex*.

significassent, 'they had intimated'—*declararent*, 'they should openly express.'

§ 5. *quid enim.. potest...* 'What situation more troublesome, more full of anxiety and trial can be described or imagined than that in which we two are placed?' The epithet *laboriosus* is distinguished from *miser* in the second book *de Finibus*, c. 28, § 93: 'nec tamen miser esse,—quia summum id malum non erat,—tantummodo laboriosus (troubled) videbatur.' Again, *exercitus* denotes less wretchedness than *miser*: see *pro Plancio*, c. 32, § 78: 'quo quidem etiam magis sum—non dicam miser, nam hoc quidem abhorret a virtute verbum, sed certe exercitus' (tried).

equidem, (contracted from *ego-quidem*) 'for my own part,' is emphatic when it occurs at the beginning of a sentence: *dumtaxat*, which is properly *dum taxat* aliquis, means, 'provided one estimates it,' 'estimating it accurately,' and so, 'only,' or sometimes, 'at least,' as in the present passage. See Bötticher's *Lexicon Taciteum*.

§ 6. *quanquam*, 'however.' Comp. *pro Plancio*, ch. 1: 'quamquam mihi non sumo tantum, iudices, neque arrego, ut Cn. Plancium suis erga me meritis impunitatem consecutum putem.'

T. Annii tribunatu... Milo became tribune of the plebs in B.C. 57, and as such was very active in opposing the designs of Clodius, and promoting the return of Cicero from exile.

non abutemur, 'we will not take unfair advantage of.' The verb *abuti*, like the Greek ἀποχρᾶσθαι, is used primarily in the sense of 'to use up,' or 'make full use of;' hence 'to take advantage of,' and so, lastly, 'to misuse.' Comp. *pro Ligario*, ch. 1: 'ut ignorantione tua ad hominis miseri salutem abuterer.'

nisi oculis videritis, 'if you do not in the end perceive, as plainly as though you had been eye-witnesses of the fact.' In the next sentence translate *si mors...fuerit*, 'if the death of P. Clodius should turn out to be the saving of you.' The perfect subjunctive is used in both instances with reference to the *future probable* effects of Cicero's own speech upon the minds of his hearers.

populi Romani felicitati. Comp. ch. 20, § 20. and 30, § 83. Also *Philipp.* v. 29, 'exclussit illum a republica...non solum scelus illius sed etiam, ut mihi videtur, fortuna quædam reipublicæ.'

CHAPTER III.

§ 7. *eam orationem*, 'that line of argument.' Comp. *de Lege Agrar.* i. 7: 'prætermitto omnem hanc orationem...de periculo salutis ac libertatis loquor.' In the next clause most edd. read *nostræ* for *vestræ*; but the latter is to be preferred, because it is meant to be slightly emphatic by its position before the substantive, as antithetical to the words in *senatu*, in *concione*, &c.

tandem, (contr. from *tamendem*) 'after all,' 'I should like to know.' Comp. in *Pison.* ch. 24: 'si triumphum non cupiebas, cujus tandem rei te cupiditate arsisse defendes?' In *Catil.* i. 1: 'Quousque tandem abutere' &c. The corresponding Greek word is ποτέ.

nempe in ea...Horatii, 'why, in that city which witnessed the first capital trial,—that of M. Horatius.' According to Livy (i. 26), the prænomen of this Horatius was *Publius*. He was the survivor of the three Horatii who fought with the three Curiatii, in the reign of Tullus Hostilius, and stabbed his sister Curia at the Porta Capena after his victory over them, for indulging her grief at the loss of one of the brothers to whom she was betrothed. Having appealed from the sentence of the 'duumviri' to the 'populus,' he was acquitted by the latter, mainly through the influence of his father, P. Horatius. See Liv. i. 24—26, and Dionys. iii. 13—22. Cicero calls it *primum iudicium*, as being the first trial in which the 'populus' decided a case of life and death. This is also stated by Dionysius (iii. 22): γενόμενος δὲ θανατηφόρου κρίσεως τότε πρώτον ὁ Ῥωμαίων δῆμος κύριος τῇ γνώμῃ τοῦ πατρὸς προσέθετο.

§ 8. *P. Africanum*. His full name was Publius Cornelius Scipio

Æmilianus Africanus; he was the son of L. *Æmilius Paullus*, and adoptive grandson of *Africanus* the conqueror of *Hannibal*.

Ahala ille Servilius. C. *Servilius Ahala* was 'magister equitum' to the dictator L. *Cincinnatus*, B. C. 439. For an account of the manner in which he killed Sp. *Mælius* on the ground of conspiracy, see Liv. iv. 13, 14. Cicero again mentions this act with approbation in his first speech *against Catiline*, ch. 1, and in the *Cato*, ch. 16.

P. Nasica. P. *Cornelius Nasica*, surnamed *Serapio*, leader of the senate in the murder of *Tib. Gracchus*. See *Appian, Bell. Civ.* i. 16, and *Plutarch, Tib. Gracchus*, ch. 19.

L. Opimius. He was consul B. C. 121, and in that year effected the death of C. *Gracchus*: see *Appian, Bell. Civ.* i. 21—26, and *Plutarch, C. Gracchus*. On being brought to trial by the tribune Q. *Decius*, he was acquitted, (*Cic. de Orat.* ii. 25).

C. Marius. This refers to the murder of *Saturninus* and his party in the sixth consulship of *Marius*, B. C. 110. See *App. B. C.* i. 28—32, and *Plutarch, Marius*, 28—30. Cicero afterwards defended *Rabirius*, a senator, when charged with the murder of *Saturninus*; see the speech *pro C. Rabirio*.

me consule, senatus. In the proceedings against *Catilina* and his associates.

nefarius, 'guilty of impiety':—*sceleratos*, 'stained with crime.'

eum qui patris...liberatum,—viz. *Orestes*: the story forms the plot of the *Eumenides* of *Æschylus*. *Sapientissimæ* is emphatic by position.

§ 9. *duodecim tabulæ*. The laws drawn up by the first decemvirs, B. C. 451, were inscribed on ten tables of brass; two more tables were added in the following year by the second Decemvirate. This code continued to be the basis of Roman jurisprudence down to the time of the emperors; but only fragments of them are now extant.

puniendum, 'that punishment should be inflicted.'

aliquando, 'upon certain occasions.' *Comp. de Off.* iii. 3: 'utilitatem aliquando cum honestate pugnare:' *interdum* is 'sometimes, in the sense of 'now and then,' or 'at intervals.'

CHAPTER IV.

Atqui, 'now, surely:' in Greek, *καίτοι*.

puđicitiam...afferebat. See *Plutarch, Marius*, c. 14; *Val. Max.* vi. 1, 12.

probus adolescens, 'being a young man of modesty.' *Probus* is frequently used in the sense of 'modest,' as in *Hor. Epod.* 17, 40:

—tu pudica, tu proba

Perambulabis astra sidus aureum.

Atque hunc...liberavit, 'And accordingly, this person being absolved from guilt, was released from danger by that great man.' For this use of *atque* in the beginning of a sentence comp. *pro Sext.* c. 2, § 3: '*atque ego sic statuo, iudices.*'

§ 10. *Est enim hæc...imbuti sumus*, 'for this is not a written, but an inborn law; it is a law which we have not been taught, or received from others, or read, but have caught, drunk in, sucked from Nature herself; it is a law which we derive, not from teaching, but from our very constitution; not from discipline, but from habit:—the law, viz. that,' &c.

omnis honesta...salutis, 'any method of extricating ourselves from danger would be creditable.'

silent enim...repetenda, 'for the laws are silent amid the clash of arms; nor do they require their assistance to be waited for, when he who would wait for it must fall an unjust sacrifice, before he can demand a just satisfaction.' *Pœnam luere*, 'to pay a penalty;' *pœnam repetere*, 'to demand satisfaction.'

§ 11. *ipsa lex*. This was the *Lex Cornelia de sicariis et veneficiis*, passed during the dictatorship of Sulla, B. C. 82.

quum causa...quereretur, 'since the inquiry was about the motive, not the weapon.'

Quapropter...in causa, 'let this then be a settled point in the case before us:' comp. *de Off.* III. 49: '*maneant ergo, quod turpe sit, id nunquam esse utile.*'

CHAPTER V.

§ 12. *cædem*, 'the bloodshed.'

illam vero...studiis, 'Whereas, in truth, the Senate has fully signified its approval of it, not by its votes alone, but also by its sympathy.' *...quam nec tacitis nec occultis!* 'how far from mute, how unreserved were their expressions!'

summum, 'at the most.' Comp. *in Ferr.* III. c. 87: '*duo millia nummum aut summum tria.*' See also *pro Mil.* c. 9, § 26.

declarant...criminabatur, 'this is shewn clearly by those dead-alive harangues of our friend here, the singled tribune of the plebs; in which he used daily to make invidious reflections on the supremacy which I enjoyed.' The allusion is to the inflammatory speeches of T. Munatius Plancus Bursa, and others, and especially to the day on which the corpse of Clodius was exposed, when Plancus and his colleagues were driven from the forum by the flames proceeding from the Senate-house. See Introduction. *Intermortuus* is a term applied to one who is inanimate, and in whom life is all but extinct.

ambusti. There is a play here upon the word *ambustus*, which means both 'sing'd' by the flames of the Senate-house, and 'blasted' in his character. For the latter sense, comp. Liv. xxxii. 35: 'L. Æmilius Paullum, qui cum M. Livio consul fuerat et damnatione collegæ et sua prope *ambustus* evaserat...ad petitionem compellit.' See also *de Harusp. Resp.* c. 3, § 4.

Quæ quidem...gratia. *Potentia*, 'supremacy,' differs from *potestas*, 'civil power;' *auctoritas* is 'moral influence;' *gratia*, 'popularity;' *officiosos labores*, 'devoted labours.' Comp. *pro Plancio*, c. 19, § 46: 'quos tu si sodales vocas, officiosam amicitiam nomine inquinans criminoso.'

§ 13. *erant enim leges*. E.g. the *Lex Cornelia de Sicariis*, and *Plautia de vi*.

nec tantum...constitueretur, 'nor was the death of Clodius the occasion of so much mourning and lamentation that a new form of inquiry should be set on foot.'

cujus enim...erepta. The allusion is to the proceedings against Clodius after his profanation of the mysteries of Bona Dea in the house of Pompeia, Cæsar's wife. The senate had referred the matter to the Pontifices, who declared it an act of sacrilege; upon which the senate, with Cicero at their head, determined to bring Clodius to trial before the people; but, the motion being rejected through the influence of the Clodian party, Hortensius proposed that Clodius should be tried before a prætor with a select bench of judges. For a full account of these events see the letters of Cicero to Atticus, Lib. i. ep. 13-16.

oppugnationem...Lepidi. M. Æmilius Lepidus was appointed Interrex by the senate during the disturbances which ensued on the death of Clodius. He was afterwards a triumvir with Octavius and Antonius. See *Introduction*, § 3.

quia nulla vis...rem publicam, 'because no violence is ever suffered among the citizens of a free state which is not an offence against the commonwealth.'

§ 14. *illa defensio*, 'such a line of defence as that which I have spoken of.'

e re publica, 'to the advantage of the commonwealth.' Similarly, the phrase *e re mea* means 'to my advantage;' see *ad Att.* v. 8.

CHAPTER VI.

Itaque ego...notavi, 'And so I came myself to the conclusion, since it was plain that there had been bloodshed on the Appian Road, that it was not he who had acted in self-defence who had committed an offence against the commonwealth; but, as violence and intrigue were mixed

up with the affair, I left it to a court of justice to decide the question of guilt (i. e. where the guilt lay); the affair itself I stigmatized' (by his vote in the Senate). *Notare* here means 'to mark with disapprobation,' in which sense it occurs again in ch. 11, § 31.

furiosum illum tribunum, 'that madman of a tribune:' viz. Q. Fufius Calenus, who had endeavoured before to screen Clodius.

decernebat enim, 'for it was on the point of deciding.' This was on the motion of Hortensius. The imperfect here expresses the incompleteness of the action; *extra ordinem*, 'by means of a special commission.'

Divisa sententia est, 'a separate vote was taken.' When a motion consisted of more than one proposition, any member of the Senate might call for a division on each, separately, by crying out '*Divide*.' Hence '*dividere sententiam*' meant to take a separate vote upon each part of the proposed resolution. See *ad Fam.* i. 2, § 1.

postulante nescio quo, 'on the demand of some one or other.' This is probably said in contempt; for Asconius quotes a speech of Munatius Plancus in which the latter names Q. Fufius Calenus as the person.

Sic reliqua...sublata est, 'in this way the remaining influence of the Senate was got rid of with the help of a purchased veto.' According to the Roman constitution, at this period, any one of the tribuni plebis had the power of putting his veto (*intercedere*) on the proceedings of the Senate. In the present instance this veto was exercised by the tribunes Plancus and Sallustius (who, as Cicero intimates, had been bribed by the party of Clodius) against that part of the motion of Hortensius which proposed that Clodius should be tried by the established laws (*veteribus legibus*); but as the Senate had reasons for wishing that no fresh laws should be enacted in his case, the effect of the veto was to quash the remainder of the resolution (contained in the words *extra ordinem*), and so to take the matter out of their hands.

§ 15. *At enim*, 'but then we are told that.' *At enim* is often used to introduce an objection; as in *Cic. de Nat. Deor.* ii. 27: '*At enim minora dii negligunt...sic enim dicitis, quasi etc.*'

rogatione sua, 'by his motion:' see *Introduction*, § 7. The person who asked for leave to introduce a law was said '*rogare legem*.' He was also said '*ferre rogationem*,' 'to bring in a bill:—*tulit enim*, 'for he did make a motion.'

facta esset...occidius esset. These verbs are in the subjunctive mood, because Cicero is here bringing forward the objections of others, and therefore, according to the grammatical phrase, speaks in the *oratio obliqua*.

Quid...nempe ut quæreretur, 'What then was his motion? Why, it was for inquiry.' For this use of *nempe*, comp. ch. 3, § 7.

paret, 'it is patent.' '*Si paret*' was a common legal phrase: see in *Verr.* II. c. 12, § 31.—*Vidit igitur...* 'he saw therefore that even where the *fact* was admitted, a defence might notwithstanding be set up on the question of *right*.' *In* with the ablative frequently signifies 'in the case of,' like the Greek *ἐν* with the dative.

nec vobis...dedisset, 'nor would he have given you as well the letter by which a propitious, as that by which an unpropitious verdict is pronounced.' 'The judices voted by ballot, at least generally, and a majority determined the acquittal or condemnation of the accused. Each judex was provided with three tablets (*tabulæ*), on one of which was marked A, *Absolevo*; on a second C, *Condemno*; and on a third N. L., *Non liquet*.' *Dict. of Antiq. art. Judex.*

§ 16. *Jam illud...tempori*, 'on this subject, however, he will doubtless tell us himself, whether he thought that the course which he adopted of his own accord was to be ascribed to P. Clodius, or to the circumstances of the times.'

CHAPTER VII.

senatus propugnator...pæne patronus. M. Livius Drusus, like his father, the opponent of C. Gracchus, was an advocate of the senate. He took up arms against Saturninus in B. C. 100, and was strongly in favour of limiting the judicia to the Senate. He was assassinated in his own house.

P. Africano. This was the younger Africanus, who was a leader of the aristocracy in his day. Papirius Carbo is mentioned by Cicero as his murderer: *de Orat.* II. 40; *ad Fam.* IX. 21. See also Appian, *B. C.* I. 19, 20.

quem immortalem ...mortem, 'to think that even his inevitable end should have come unlooked for, when all were wishing that, if it were possible, he might live for ever.' '*Mors necessaria*' means death which must overtake a man at the fated time; or, according to our mode of speaking, 'death in the ordinary course of nature.' So *fatum* (destiny) is coupled by Cicero with *natura* in *Phil.* I. c. 4, § 10: '*si quid mihi humanitus accidisset,—multa autem impendere videntur præter naturam etiam præterque fatum.*' Comp. also Virg. *Æn.* IV. 696:

Nam quia nec fato merita nec morte peribat,
Sed misera ante diem subitoque accensa furore.

§ 17. *quia non alio...necantur*, 'because the murder of men of note does not fall under one description of crime, and that of men of

no note under another: let it be granted that a difference exists between the position in *life* of men in the highest and men in the lowest ranks of fame; but let the criminal infliction of *death* at any rate be made in both cases subject to the same penalties, the same laws.'

in monumentis majorum suorum, 'amid the memorials of his ancestors;' i.e. on the Appian Road, which was commenced during the censorship of Appius Claudius (or Clodius) Cæcus, B.C. 312.

proinde quasi...latrocinarentur, 'just as if the celebrated Appius Cæcus constructed a road, not for the people to make use of, but as a place where his descendants might with impunity pursue the trade of highwaymen.' The Appian (or Great Southern) Road was first constructed as far as Capua, and afterwards extended to Brundisium.

§ 18. *M. Papirium*. Pompeius having brought Tigranes son of the king of Armenia a prisoner to Rome, and placed him under the charge of a senator named Flavius, Clodius, when tribune, helped him to escape by means of a stratagem. Flavius in pursuing the fugitive was met by Clodius at a short distance from Rome, and a contest took place in which most of the companions of the former were killed; and amongst them M. Papirius, a friend of Pompeius, and here described by Cicero as 'a most accomplished knight.'

Nunc ejusdem...excitat, 'what pathetic grandiloquence is now called forth by the name of this same Appian Road!' Comp. Quintilian vi. 1, 36: 'in parvis litibus has tragædias movere tale est quasi personam Hercules et cothurnos aptare infantibus velis.'

Quæ cruentata...imbuta est, 'That very road about which when it was stained before by the murder of a respected and guiltless man, not a word was ever uttered, is being constantly brought up, now that it has been dyed with the blood of a freebooter and cutthroat.' *Usurpare*, is (1) 'to avail oneself of,' or 'put in exercise,' as in the phrase 'libertatem usurpare:' hence (2) 'to resort to,' or 'employ;' as in *Philipp.* ii. 28; 'at quam crebro usurpat et "consul" et "Antonius."' The word *parricida* (patricida) has frequently the general signification of 'murderer.'

Comprehensus est...collocarat. This circumstance also occurred during the tribunate of Clodius.

Caruit foro, 'was away from the forum.' *Carere* is 'to be without,' and denotes *privation*, simply, whether voluntary or otherwise: *egere* is 'to need,' and implies a feeling of *want*: thus '*carere cibo*' is 'to be without food,' or 'to fast;' but '*egere cibo*' is 'to be in want of food,' or 'starving.'

janua se...texit, 'he sheltered himself behind the protection of doors and walls, and not of the rights secured to him by laws and courts of justice.'

§ 19. *Atqui si res...fuerunt*, 'yet surely if there ever was an occasion, a man, or a time, so important as to require such steps, these were all of first-rate importance in the case which I have mentioned.'

concidissent, 'would have shared his fall.' Cicero himself was at that time in exile, and Cæsar in Gaul.

minus dolendum...minus, 'there was the less cause for grief when the attempt did not succeed, but surely not a whit the less cause for punishment.'

§ 20. *Quoties ipse...effugi*. Clodius made three attempts upon the life of Cicero; first, before the banishment of the latter; secondly, soon after his return; and lastly, a short time before the present trial; see ch. 14, § 37.

CHAPTER VIII.

Luget senatus...desiderant, 'The senate is in affliction, the equestrian order is disconsolate; the whole state is broken down; the free-towns wear a garb of woe; the colonies are stricken; and finally, the very fields are pining for a citizen so kind, so useful, so humane.' *Municipium* was a town governed by its own laws and magistrates, and at the same time possessing the privileges of Roman citizenship. *Colonia* was a settlement of Romans among a conquered race who ceased to be full citizens of Rome, but possessed certain privileges known as the *Jus Latinum*, *Jus Italicum*, &c.

§ 21. *sed homo...multa vidit*, 'but being a man of wisdom and deep thought, endowed with a kind of godlike intellect, he took a broad view of things; he saw, &c.'

timuit ne...gratiae, 'he was afraid lest his good-faith in the reconciliation which had taken place might seem to be in some degree impaired.' Clodius, though at one time a bitter opponent of Pompeius, subsequently supported him when he became one of the candidates for the consulship, B. C. 55.

quamvis...judicatueros, 'that stern as the terms of his own motion were, you would still give your verdict boldly.' Comp. Hor. *Od.* II. 24:

Et cuncta terrarum subacta,
Præter atrocem animum Catonis.

neque vero...meos, 'nor is it true, as is commonly asserted by some, that in the selection of the judges he put aside those who were my friends.' For this use of *secernere* comp. in *Catil.* IV. 15, 'hos ego excipio et secerno libenter.'

non enim...multis, 'for my popularity is not confined within those

intimacies which cannot be extended far, since it is not possible that the closer intercourse of life should exist with more than a few.' The two words *familiaritas* and *consuetudo* occur together in *Ep. ad Fam.* III. 10; '*Familiaritas quotidiana consuetudine augetur.*'

non potuit...mei, 'he could not do otherwise than choose men attached to myself.'

§ 22. *L. Domiti.* Lucius Domitius Ahenobarbus was brother-in-law of M. Cato, and like him an energetic supporter of the aristocratic party in the state. He was prætor in B. C. 58, and defeated in his canvass for the consulship by Pompeius and Crassus in B. C. 55. In the following year he was elected without opposition from either Cæsar or Pompeius. Though formerly an opponent of the latter, he had become his friend before B. C. 52, and took his part against Cæsar. He fell in the battle of Pharsalia, B. C. 48, and, according to Cicero, by the hand of Antonius. (*Philipp.* II. c. 29, § 71.)

Quod vero...fidem, 'his particular wish that you, Lucius Domitius, should preside over this inquiry, is a proof that all he wanted was justice, dignity, politeness, and integrity.'

Tulit...esset, 'he proposed that it should necessarily be a man of consular rank.' Domitius had been consul two years before together with Appius Claudius Pulcher. See note above.

munus, 'office' or 'function,' differs from *officium*, which means 'a duty,' and therefore implies obligation.

creavit, 'he appointed you:' i.e. by his influence in the senate. *Creare* is (1) 'to make to be,' and hence (2) 'to make' or 'appoint' officers.

dederas enim...maxima, 'for you had given the strongest proofs from your very youth of your contempt for popular follies.' Cicero alludes more particularly to the energy with which Domitius, when prætor, dispersed a mob led by the tribune Cn. Manlius against the Capitol.

CHAPTER IX.

§ 23. *Si neque...disceptet*, 'if the avowal of an act is not unusual under certain circumstances; if there has been no judgment passed by the senate on our case otherwise than in accordance with our wishes; if the mover of the law himself wished that, though there was no dispute about the *fact*, the question of *right* should notwithstanding be discussed; if the judges have been selected for the purpose, and the president appointed was one who would fairly and wisely investigate the subject.'... *Disceptare* has two meanings: (1) 'to

discuss' or 'debate,' when several persons are engaged; (2) 'to examine into' or 'investigate,' when one person is engaged, as in the speech *pro rege Deiotaro*, ch. 2: 'Hanc enim, C. Cæsar, causam si in foro dicerem, eodem audiente et disceptante te, quantam mihi alacritatem populi Romani concursus afferret.'

uter utri insidias fecerit, 'which of the two plotted against the life of the other.' Comp. Hor. *Epist.* II. 1, 55:

Ambigitur quoties uter utro sit prior, aufert
Pacuvius.

Also Virg. *Æn.* IV. 371:—'quæ quibus anteferam.'
rem gestam, 'the facts as they occurred.'

§ 24. *videretque...posset*, 'and seeing that the comitia in the preceding year had been so protracted that he could not hold the prætorship many months.' The consuls of the year preceding that in which the trial of Milo took place were Cn. Domitius Calvinus and M. Valerius Messala. The consuls held the comitia for the election of their successors and the prætors; and, according to Dion Cassius, (XL. 45), Calvinus and Messala had not been able to enter upon office before six months of the new year had expired: ὥστε μόλις ἐβδόμῃ μηνὶ τὸν τε Καλοῦνιν καὶ τὸν Μεσσαλᾶν ὑπάτους ἀποδειχθῆναι. The election of the prætors seems to have been equally delayed.

qui non...spectaret, 'not because he had an eye to honourable promotion.' *Qui* has here a *causative* signification, and is therefore followed by a subjunctive. The Greek ὥστις is sometimes employed in the same manner.

L. Paullum. Lucius Æmilius Paullus belonged to the family of the Lepidi, being a brother of M. Lepidus the triumvir. He favoured the aristocratical party, and exerted himself in favour of Cicero's recall in B. C. 57. In 53 he was prætor, and succeeded to the consulship in 50, together with M. Claudius Marcellus. He was afterwards proscribed by his own brother Lepidus, but escaped to Asia. Cicero describes him as 'hominem ad conservandam rempublicam natum;' in *Vatin.* c. 10, § 25.

reliquit annum suum, 'he went out of his proper year.' Candidates for the prætorship were required to be forty years of age by the law of the tribune L. Villius Annalis, B. C. 179. See Liv. XL. 44.

non religione aliqua, 'not in consequence of any religious scruple:' i. e. not because he had observed the auspices to be unfavourable to his election. See *Dict. of Antiq.* art. *Auspicium*.—*ut fit*, 'as is the practice;' see § 28.

§ 25. *Occurrebat...Milone*, 'the thought was continually suggesting itself that his prætorship would be crippled and powerless, with Milo as a consul.'

Debilis (de-habilis) is primarily applied to a person who has not the full use of his limbs, and is therefore disabled. *Mancus* is 'crippled' or 'maimed,' as in *Juv. Sat.* i. 3, 48:

atque ideo nulli comes exeo, tanquam
Mancus et extinctæ corpus non utile dextræ.

Eum porro...videbat, 'he saw, again, that Milo was on the point of becoming consul with the hearty concurrence of the Roman people.' *Porro* (the Greek *πρόσω*) is (1) 'further on,' and hence (2) 'furthermore,' or 'again.' *Comp. de Senect.* c. 43: 'sæpe a majoribus natu audivi, qui se porro pueros (that *they* again when boys) a senibus audivisse dicerent.' The present infinitive *feri* is used because Milo was still only a candidate.

contulit se...gubernaret, 'he leagued himself with *his* (i. e. Milo's) fellow-candidates, but on the condition that he should have the sole management of the entire canvass himself, and should even be allowed to act against their wishes.' Milo's competitors were P. Plautius Hypsæus and Q. Metellus Scipio. See *Introduction*.

convocabat tribus, 'he began assembling the tribes.' There were at this time thirty-five tribes: for an explanation of the *tribes* being mentioned in connexion with the election of consuls at the comitia *centuriata*, see *Dict. of Antiq.* art. *Tribus*.

se interponebat, 'he began to interfere;' i. e. for the purpose of distributing the money of the candidates among the voters.

Collinam...conscribebat, 'registering a new Colline tribe from a levy consisting of citizens of the most abandoned character.' The Colline was one of the four city-tribes, and seems to have consisted of the dregs of the free population. Cicero therefore appears to mean that Clodius in bribing the worst characters he could find, was, as it were, forming a fresh tribe similar in its character to the Colline.

Quanto ille...convalescebat, 'the greater was the stir made by the one [Clodius], the faster did the other [Milo] grow stronger day by day.'

idque intellexit...declaratum, 'and was sensible that this had frequently been shewn not only by the common conversation but also by the votes of the people of Rome.' He alludes here to the frequent interruption of the comitia by the veto of the tribunes; but intimates that the votes as far as they had been allowed to proceed had been strongly in favour of Milo.

§ 26. *Servos agrestes et barbaros*, 'outlandish slaves from the country.' Clodius appears to have kept a large gang of slaves on his estates in Etruria, close to the Aurelian Road: *comp. Philipp.* xii. c. 9, 'Restat Aurelia; hic quidem etiam præsidia habeo; posses-

siones enim sunt P. Clodii. Tota familia occurrit; hospitio inhabitabit propter familiaritatem notissimam.'

Etenim...concione, 'he used indeed repeatedly to say in public that although Milo could not be robbed of his *consulship*, he might of *life*: he often *hinted* as much in the senate; but actually *said* it at a public meeting.'

qua spe fureret, 'what mad hope he was indulging.' In the next sentence translate *quam vocem ejus*, 'and this remark of his;'
hunc Catonem, 'Cato here:' in Greek, τὸν Κάτωνα τουτονί. Favonius bore the nickname of 'Cato's ape,' and is described by Plutarch as ζῳλωτής Κάτωνος.

CHAPTER X.

§ 27. *iter...necessarium*, 'a state-journey, required by law, and unavoidable.' *Sollennis*, 'formal;'
legitimus, 'according to law.'

Lanuvium, or, as it was sometimes written, *Lavinium*, was situated on a hill projecting from the western side of the Mons Albanus, and distant about seventeen miles from Rome (Appian, *B. C.* II. 20). Its modern name is *Civita Lavinia*; see Gell's *Topography of Rome and its Vicinity*, art. *Lanuvium*.

ad flaminem prodendum, 'to nominate a Flamen.' The Flamen was a priest devoted to the service of some particular deity. This we learn from Cicero *de Legg.* n. 8: 'divisque aliis alii sacerdotes, omnibus pontifices, singulis flamines sunt.' Juno Sospita was the goddess principally worshipped at Lanuvium; comp. Liv. XXIII. 31: 'signa Lanuvii ad Junonis Sospitæ cruore manavere:' see also XXIV. 10. The phrase *prodere Interregem* also occurs in the speech *pro Domo sua*, c. 14, and Livy III. 40.

dictator Lanuvii. There were sometimes two chief magistrates in Roman 'municipia,' called *Duumviri*; where there was only one, he was called either *Dictator* (as at Tusculum, see Livy III. 18) or *Prætor*, as at Fundi; see Hor. *Sat.* I. 5, 34:—

Fundos Aufidio Lusco prætore libenter
Linquimus.

The chief-magistrate of Arpinum had the title of *Ædilis*.

quod re intellectum est, 'as was understood by the event.'

concionem turbulentum. This was a meeting at which the tribunes C. Sallustius Crispus and Q. Pompeius endeavoured to incite the people against the election of Milo to the consulship.

obire facinoris locum tempusque, 'to be exact to the time and

place appointed for his enterprize.' For this sense of the verb *obire*, compare *Lælius*, c. 2: 'tu non adfuisti, qui diligentissime semper illum diem et illud munus solitus esses obire.' See also *Philipp.* III. c. 8, § 20.

§ 28. *calceos mutavit*. Senators wore buskins, fastened with four straps of black leather, and adorned with a small crescent (*lunula*). *Comp. Hor. Sat.* I. vi. 27:—

Nam ut quisque insanus nigris medium impediit crus
Pellibus et latum demisit pectore clavum.

The phrase 'mutare calceos' meant also 'to become a senator:' thus Cicero, speaking of Asinius, says: 'est etiam Asinius quidam senator voluntarius...mutavit calceos; Pater conscriptus repente factus est.' *Philipp.* XII. c. 13. Some of the shoes worn by senators were called *alutæ*, because they were made of leather softened with alum; see *Juv. Sat.* VII. 192:

nobilis et generosus
Adpositam nigræ lunam subtexit alutæ.

paullisper...commoratus est, 'he waited a little time, whilst his wife was making the usual preparations.' Perhaps the speaker here indulges in a little humour at the expense of the female sex. Heumann compares Terence, *Heautont.* II. 2, 11: 'mulieres dum moliantur, dum comuntur, annus est.' Quintilian adduces the whole of this passage beginning at 'Milo autem' as an instance of the skill of the orator in contrasting the composure of Milo with the hurried departure of Clodius (IV. 2, 57). Milo was married to Fausta, daughter of Sulla the dictator.

siquidem, 'if, as has been said.' In Greek *εἴτερον*.

expeditus, 'lightly equipped,' i.e. ready for action: comp. *contra Rullum*, c. 2: 'ad vim promptus, ad seditionem paratus, ad cædem expeditus.'

nulla rheda. The *rheda* was a family-coach on four wheels, used for travelling. *Comp. Juv. Sat.* I. 3, 10:

Sed dum tota domus rheda componitur una,
Substitit ad veteres arcus madidamque Capenam.

nullis impedimentis, 'without any luggage:' literally, 'with no encumbrances.' The 'Greek followers' mentioned in the next clause consisted probably of musicians, jesters, and others kept for his entertainment. *Comp. ch.* 20.

sine uxore. Fulvia was the wife of Clodius; she afterwards married Antonius. See *Introduction*.

quum hic...comitatu, 'whereas this (supposed) conspirator, who (as we are told) had specially arranged that journey with a view to the

commission of murder, was riding with his wife in a coach, wrapped in his travelling-cloak, with a large and heavily-laden, effeminate and dainty train of waiting-maids and boys.' Comp. ch. 20. Observe the use of the subjunctive *apparasset* in adverting to the statements of others. *Pænulatus* is opposed to *expeditus* in the preceding sentence.

§ 29. *hora...secus*, 'at about four o'clock in the afternoon, or not far off it.' See *Dict. of Antiq.* art. *Hora*.

in hunc, 'on the defendant.' In the next clause translate *adversi*, 'those in front:' so Cicero uses the phrase *adversi dentes* for 'the front teeth,' *de Nat. Deor.* ii. 54.

qui animo...præsenti fuerunt. Comp. Virg. *Æn.* v. 363 :

Nunc si cui virtus animusque in pectore præsens
Adsit.

quum viderent...pugnari, 'as they saw that a fight was going on by the side of the coach.'

fecerunt...voluisset, 'the slaves of Milo did (and I shall not say this for the purpose of shifting the charge from him to others, but state the fact just as it took place), they did, I say, without the orders or the knowledge, or the presence of their master, that which every one of you would have wished his own slaves to do in like circumstances!' Comp. Demosth. in *Mid.* ἐγὼ δ', ὅπερ ἂν ὑμῶν ἕκαστος ὑβρισθεὶς προεἰλητο πράξει, τοῦτο καὶ αὐτὸς ἐποίησα.

derivandi criminis. *Derivare* is, literally, 'to divert the course of a stream;' and hence 'to turn off' an accusation from oneself, so as to make it fall on others. Comp. *ad Att.* iv. 3: 'Id poterat infitieri; poterat in alios derivare.'

CHAPTER XI.

§ 30. *Hæc...audacia est*, 'Such, judges, were the facts, which occurred precisely as I have stated them; a conspirator was overcome; force was repelled by force, or rather, I should say, effrontery was overpowered by valour.'

si non jure...defendam, 'if he could not rightfully do this, then I have no defence to offer.'

ratio, 'right reason;' *mos*, 'custom;' *præscripsit*, 'has made it a rule.'

§ 31. *Sin hoc...injuria*, 'but if this is not the opinion held by any one of you, then it follows (*jam*) that the point to be decided is, not whether he was killed, which we admit, but whether he was rightly or wrongly killed.'

notavit. See notes on § 14.

si hic...solvamur, 'if the defendant plotted against the life of the deceased, let him not go unpunished; if deceased plotted against the life of the defendant, then let *us* be acquitted of guilt.' For the phrase *ut ne sit impune*, comp. Liv. i. 58; 'haud impune adultero fore:' and Plautus, *Merc.* iv. 6, 4, 'id si rescivit uxor, impune est viro.'

CHAPTER XII.

§ 32. *in illa tam audaci, tam nefaria bellua*, 'in the case of a monster of such daring impiety.'

Itaque illud Cassianum...valeat, 'and therefore let the famous test of Cassius, "for whose advantage was it?" hold good in the case of the characters before us.' L. Cassius Longinus was famed for his severity as a judge, and according to Valerius Maximus his tribunal was called *scopulus reorum* (iii. 7). The saying here mentioned is often referred to by Cicero; as in his speech *pro Rosc. Amer.* c. 84; 'Lucius Cassius ille, quem populus Romanus verissimum et sapientissimum judicem putabat, identidem in causis querere solebat cui bono fuisset. Hunc quæsitorum ac judicem fugiebant atque horrebant ii quibus periculum creabatur, ideo quod, tametsi veritatis erat amicus, tamen natura non tam propensus ad misericordiam quam implicatus ad severitatem videbatur.' For the use of the word *persona*, meaning 'character,' comp. *pro Cluent.* c. 29: 'hujus Staleni persona ab nulla turpi suspicione abhorrebat.'

emolumento, 'by interest.' *Emolumentum* (derived from *e* and *molere*) means 'grist,' and hence 'profit.' *Fraus* is here used for 'a treacherous' or 'dishonourable act,' as in the speech *pro Roscio Am.* c. 21: 'hæc te opinio falsa in istam fraudem impulit.'

quo sceleris nihil facere posset, i. e. quo consule.

posse se eludere, 'he might have full swing,' or 'full play.' This reading is more forcible and better supported than the common reading *republicam eludere*, 'baffle the state.' Comp. *de Legg.* ii. c. 21: 'sed quod iidem juris civilis estis peritissimi, scientia illa (others read *illam*), eluditis.' The metaphor is taken from the art of fencing.

corroboratam jam vetustate, 'now grown inveterate by time.'

§ 33. *vestra...inusturus*, 'are your ears out of town, and not familiar with the common talk of the whole state, about the laws for the commonwealth (if laws they should be termed, and not rather firebrands and scourges for the city) with which that man was on the point of saddling us all, and branding us indelibly?' For this use of the

word *peregrinantur*, comp. Aristoph. *Eq.* 1120, ὁ νοῦς δέ σου παρὼν ἀποδημεῖ.

Exhibe...vestrarum, 'Out, out, I beg of you, Sextus Clodius, out with your portfolio of laws.'

tanquam Palladium. See Virg. *Æn.* ii. 162—170. A wooden image of Minerva, called Palladium, was preserved at Rome in the temple of Vesta, under the care of the vestal virgins. (Ov. *Trist.* iii. 1, 29). Pliny mentions that a Roman named Metellus was struck with blindness in attempting to save it, when the temple of Vesta was on fire. Plin. *H. N.* vii. 43.

ut præclarum...posses, 'that you might, I suppose, present it to some one as a precious boon, and an engine of tribunitial power, if you could have got any body to hold the office of tribune on your own terms.' *Instrumentum* is used for 'a code' or 'repertory' of laws by Suetonius, *Vespas.* c. 8: 'undique investigatis exemplaribus, instrumentum imperii pulcherrimum ac venustissimum confecit, quo continebantur pene ab exordio Urbis senatus consulta.'

et adspexit...curiæ,—(turning to the judges), 'aye, and he has given me just that look which he used to give when he was breathing nought but menaces against every body and every thing. No wonder I am made uneasy by this luminary of the Senate-house!' The allusion is to the proceedings of Sextus Clodius after the death of Publius: see *Introduction*, § 3. In the use of the words *lumen curiæ*, there is what the French would call a 'double-entendre,' containing an allusion to the burning of the senate-house, as well as a bitter sarcasm against the character of Sextus Clodius. For this ironical use of *quippe*, comp. Virg. *Æn.* iv. 218:

nos munera templis

Quippe tuis ferimus, famamque fovemus inanem.

CHAPTER XIII.

punitus es. For other examples of the active signification of the verb *punior*, see *Philipp.* viii. c. 2; *Tusc. Disp.* i. c. 44.

tu in publicum abjecisti, 'you flung it into the open streets.' The usual custom was to wash the corpse and lay it out in the entrance-hall of the house, with its feet towards the door. For other particulars see *Dict. of Antiq.* art. *Funus*.

spoliatum imaginibus, 'robbed of its images:' i. e. images of the deceased and his ancestors which were carried in procession before the corpse.

exsequiis. The word *exsequiæ* was applied particularly to the funeral procession: thus Tacitus speaks of a body of troops marching silently, and like a long funeral procession,—‘*silens agmen et velut longæ exsequiæ*,’ *Hist.* iv. 62.

pompa, ‘pageant.’ *Pompa* embraced all the accompaniments of the procession added for the sake of display. Comp. *Corn. Nep. Att.* c. 22: ‘*elatus est...sine ulla pompa funeris, comitantibus omnibus bonis*.’

laudatione, ‘panegyric.’ When the deceased was a person of note, the procession usually passed through the Forum, and a panegyric was delivered from the Rostra. See *Dict. of Antiq.* art. *Funus*.

infeliciissimis lignis semiustulatum, ‘but half-consumed on a most ill-fated pile of firewood:’ i. e. not brought for the purpose, but consisting of the benches of the senate-house which had been set on fire, and so come to a miserable end: there is also, probably, an allusion to the phrase ‘*lignum infelix*,’ as applied to an unfruitful tree, which was therefore considered to be under a curse. Catullus in his Ode in *Annales Volusii*, uses the same phrase (xxxvi. 8):

Vovit, si sibi restitutus essem,
Electissima pessimi poetæ
Scripta tardipedi deo daturam
Infelicibus ustulanda lignis.

crudelitatem exprompsisti tuam, ‘you have wreaked the whole cruelty of your character.’ *Expromere* is ‘to put out’ or ‘expose to view:’ and hence, ‘to put forth,’ or ‘exert.’ Comp. *Plaut. Mil.* iv. 2, 64, ‘*exprome benignum ex te ingenium*.’

§ 34. *quid erat...optaret*, ‘what reason was there why *Milo* should—I will not say, commit the deed (himself) but—wish for its commission (by others)?’ The phrases *admittere scelus*, *facinus*, &c. are used, sometimes with, and sometimes without, the addition of the words *in se*: see ch. 37, § 103; *Off.* iii. 25.

At eo...magis, ‘but he was becoming consul notwithstanding his opposition; nay, he was becoming so all the more on account of it.’ The imperfect *fiebat* refers to the progress of the election. In the next sentence *suffragator* means ‘a supporter,’ one who not only voted for a candidate, but actively promoted his election.

solutam, ‘if left at liberty;’ *rerum novarum*, ‘of a revolution;’ *constringere* ‘to tie it down,’ i. e. by means of laws, the metaphor being taken from tying up an animal, so as to prevent it from doing mischief: comp. *pro Sext.* c. 41: ‘*ut illum...legum, si posset, laqueis constringeret*.’

usitatis rebus, ‘by the means now in ordinary use.’ These words

are antithetical to those at the beginning of the next sentence.—*jam*, 'henceforth.'

suffragationem consulatus, 'the support that was given him (in his canvass) for the consulship.'

tentari ceptus est, 'has begun to be attacked:' comp. *pro Rosc. Am. c. 51*: 'summa respublica in hujus periculo tentatur.'

§ 35. *At valuit odium*, 'ah, but hatred (it will be said) predominated:' comp. *Liv. xxxviii. 28*, 'metus ad omnes valuit, ne dedicationem recusarent.'—*iratus*, 'in a passion.'

punitor doloris sui, 'the redresser of his own grievances.' So Cicero speaks of the 'cupiditas puniendi doloris,' *de Orat. i. c. 51*.

quid enim...odium, 'for what enmity could Milo feel towards Clodius, from whom he had reaped glory, and achieved renown, except that political enmity which we feel towards all bad men?' *Civile odium* is enmity felt by one citizen towards another on *political* or *social* grounds, as distinguished from that which is *personal*. Comp. *de Nat. Deor. ii. c. 30*: 'atqui necesse est, quum sint dii...animantes esse, nec solum animantes, sed etiam rationis compotes, inter seque quasi civili conciliatione et societate conjunctos.'

Ille erat ut odisset, 'there was a reason for his hating one who was &c.' Comp. *de Divin. i. 56*, 'Non est igitur ut mirandum sit:' the pronoun *ille* is put first for the sake of antithesis.

lege Plotia. The *Lex Plotia* was directed against the carrying of arms for the purpose of committing outrages.

reus Milonis, 'under an indictment by Milo;' this was for an assault on the workmen engaged in the rebuilding of Cicero's house.

CHAPTER XIV.

§ 36. *Reliquum est...coarguant*, 'there remains the argument that after all (*jam*) the natural disposition and habits of the deceased himself are in his favour, whereas the defendant in these respects stands convicted.' This and the next sentence are spoken ironically. There seems to be an allusion here to the circumstance mentioned by Dion Cassius, who says that Clodius actually had preferred an indictment against Milo for offences similar to those with which he was himself charged: Κλώδιος γραφήν κατὰ τοῦ Μίλωνος τῆς τῶν μονομάχων παρασκευῆς ἀπήνεγκεν· ἃ γὰρ αὐτὸς ἐπραττε, καὶ ἐφ' οἷς ἐκρίνετο, ταῦτ' ἐκείνῳ ἀντενεκάλει. (xxxix. 18).

diem mihi, credo, dixerat, 'he had named a day, I suppose, for my trial.' *Credo* is here used ironically. The phrase *diem dicere alicui* was generally used in state-trials, when the tribunes of the plebs

named a day on which they would impeach a person before the people. Comp. Plaut. *Captivi* :

His diem dicam; irrogabo multam.

multam irrogare, 'had moved for the imposition of a fine.' *Multam irrogare* was to bring in a bill into the comitia for the imposition of a fine, its nature and amount being specified therein.

actionem perduellionis intenderat, 'brought an action against me for treason:' viz. for causing Roman citizens to be condemned unheard; at the time of Catiline's conspiracy. The more common term for treason in the Roman law was *Crimen Majestatis*, or more fully, *læsa majestatis*. *Perduellis* originally meant 'a public enemy.'

et mihi...fuit, 'as though I forsooth had reason to dread the trial, and the cause, instead of being a most glorious one, were a bad cause, and my own instead of yours.'

§ 37. *C. Vibienus*. According to Asconius (*Introd.* § 3), Vibienus was crushed to death in the riots that took place after the death of Clodius.

hæc intentata nobis est, 'it was this dagger which was pointed at me:' viz. before his exile. The next words refer to his withdrawal from Rome.

hæc insidiata Pompeio est. See § 18.

hæc istam...cruentavit. See § 18.

nuper quidem...confecit. Asconius conjectures that Cicero refers to a contest that took place in the preceding year in the Via Sacra between the supporters of Milo and those of Hypsæus in canvassing for the consulate, the leaders of whom were Cicero on one side, and Clodius on the other.—*ad regiam*, i.e. the palace of Numa in the Via Sacra.

§ 38. *cujus vis...teneret*. Comp. *de Off.* II. 17: 'sed honori summo nuper nostro Miloni fuit quod gladiatoribus emptis reipublicæ causa, quæ salute nostra contineretur, omnes P. Clodii conatus furor-
esque repressit.' See also *pro Sext.* c. 42, § 92; *ad Att.* IV. 3.—*in judicium detrahi*, 'to be drawn into legal proceedings.'

quum domum...defenderet. Cicero refers to this attack on one of Milo's houses in a letter to Atticus, (IV. 3): 'Milonis domum, eam quæ in Germalo, pridie Idus Novemb. expugnare et incendere ita conatus est ut palam hora v. cum scutis homines eductis gladiis, alios cum accensis facibus adduxerit.'

P. Sextio collega suo vulnerato. For an account of this proceeding, see *pro Sext.* c. 37. P. Sextius, or Sestius, was tribune of the plebs with Milo in B.C. 57, and exerted himself to obtain the recall of Cicero in that year. Like Milo, he kept a body of armed gladiators, who had frequent rencontres in the streets with the partisans of Clodius, in one of which Sextius was severely wounded and left for dead. He was

afterwards brought to trial for violence (*de vi*) by Clodius, and defended by Cicero in a speech still extant.

Q. Fabricio... pulso. Comp. *pro Sext.* c. 35 : 'princeps rogationis, vir mihi amicissimus, Q. Fabricius, templum aliquanto ante lucem occupavit... Quid illi quorum consilio P. Sextius in iudicium vocatur? quo se pacto gerunt? Quum forum, comitium, curiam multa de nocte armatis hominibus ac servis plerisque occupavissent, impetum faciunt in Fabricium, manus afferunt, occidunt nonnullos, vulnerant multos... cædem in foro maximam faciunt.' Fabricius was another tribune of the plebs who took the part of Cicero in B.C. 57, and proposed a motion for his recall in the January of that year, which was defeated by Clodius in the manner described above.

L. Cæcili... oppugnata domo. L. Cæcilius Rufus was prætor in 57. Asconius mentions a disturbance that took place in a theatre during a time of scarcity, whilst he was holding the Ludi Apollinares. There is an allusion to his services in promoting Cicero's recall in the speech *Post red. in sen.* c. 9.

quum totius Italiæ concursus... vindicaret, 'when the assembled multitudes from every part of Italy, who had been roused by the news of my restoration, would have willingly acknowledged the splendour of such a deed, so that, even though Milo had been the real author, the whole state would claim the glory of it as its own.' The words *totius Italiæ concursus* refer to the crowds that assembled in the provinces and at Rome, to welcome the return of Cicero.

CHAPTER XV.

§ 39. *At quod erat tempus?*... 'Now, what were the circumstances of the period? There was a most brave and distinguished consul, who was an enemy to Clodius, &c.'

P. Lentulus. This was P. Cornelius Lentulus, surnamed Spinther, who was consul in 57 together with Metellus Nepos.—*defensor vestræ voluntatis*, 'the supporter of your will.'—*patronus illius publici consensus*, 'a chief promoter of the general unanimity which then prevailed.'

septem prætores, octo tribuni plebis. Comp. *in Pison.* c. 15 : 'De me quum omnes magistratus promulgassent, præter unum prætorem (viz. Appius Claudius,) a quo non fuit postulandum, fratrem inimici mei, præterque duos de lapide emptos tribunos plebis (viz. Sext. Atilius Serranus and Numerius Quinctius), legem comitiis centuriatis tulit P. Lentulus consul de collegæ Q. Metelli sententia.'

gravissimam et ornatissimam, 'expressed in the most dignified and graceful language.'

decretum Capuæ. This refers to a decree made at Capua in the presence of Pompeius, demanding Cicero's recall. Deputations also from the other towns of Campania went to Rome at his desire to assist in carrying the law for his return.

signum dedit, 'gave the signal:' we find this expression with reference to the same event in the speech against *Piso*, ch. 15: '*mei capitis servandi causa Romam uno tempore, quasi signo dato, Italia tota convenit.*'

quem qui...cogitaretur, 'and whoever had put him (Clodius) to death just then,—people would not have thought about allowing that man to go unpunished merely, but about the rewards that they should confer on him.'

§ 40. *in iudicium bis...vocavit.* One of these occasions is adverted to by Cicero in ch. 30, § 35; the second is not known.

privato Milone...fuctus est. Comp. notes on § 36, and for a detailed account of the proceedings in the trial of Milo for violence by Clodius, see Cicero's letter to his brother Quintus, Book II. ep. 3. From his description, and the statement of Dion Cassius (xxxix. 19) it does not appear that the Clodian party used any physical violence against Pompeius, but continually interrupted him by shouts and menaces.

gravissimamque...suscepisset, 'and a young man of high rank had most courageously taken upon himself the discharge of a very important duty in the state.' Comp. *pro Sext.* c. 22: '*Quis enim unquam, me a senatu populoque Romano...non restituto,...ullam reipublicæ partem cum sua minima invidia auderet attingere?*'

judicii laqueos declinantem, 'shirking the meshes of justice.' So we find the expression 'legum laqueis,' *pro Sext.* c. 41.

Quum se...abdidisset. Cicero alludes again to this occurrence in the second Philippic, ch. 9: '*P. Clodium meo consilio interfectum esse dixisti. Quidnam homines putarent, si tum occisus esset quum tu illum in foro, inspectante populo Romano, gladio stricto insecutus es, negotiumque transegisses, nisi ille se in scalas tabernæ librariæ coniecisset, hisque oppilatis impetum tuum compressisset?*'

§ 41. *in Campo,* i. e. the Campus Martius. The *septa* were the inclosures or pens which divided the centuries from each other, when they voted in the 'Comitia Centuriata.' They were also called *ovilia*, and were approached by a narrow platform (*pons*), at the entrance of which stood the officers (*diribitores*) whose duty it was to supply the voters with their tickets (*tabellæ*). When there were no 'comitia,' the 'septa' were used for the sale of merchandize: comp. Martial, ix. 60, 1:

In septis Mamurra diu multumque vagatus
Hic ubi Roma suas aurea vexat opes.

vos et omnes...liberet, 'while you and all good men devoutly wished that Milo might be in the humour to exert his valour.'

CHAPTER XVI.

loco...tempore, 'at the proper place and the proper time.'

iniquo loco, 'on disadvantageous ground.'—*alieno tempore*, 'at an inconvenient time.' Comp. *Brut.* c. 1: 'vir egregius alienissimo reipublicæ tempore extinctus.'

§ 42. *subesset*, 'was close at hand.' In the next sentence *scio* means 'I know from personal experience,' and corresponds to the Greek *ἐπιστάμαι*.

omnia...perhorrescimus, 'we are afraid, not merely of every censure cast upon us openly, but of every thought that may possibly be harboured against us in secret; a report, any false, made-up, silly tale, makes our blood run cold.'

nihil enim...fastidiunt, 'for there is nothing so fine, so delicate,—nothing so frail or flimsy as the disposition of our fellow-citizens towards us, and the state of feeling among them; they are not satisfied with expressing their indignation at any misconduct on the part of the candidates, but even in cases of proper conduct they are often hard to please.' Comp. *pro Murena*, c. 17: 'totam opinionem parva nonnunquam commutat aura rumoris.'

§ 43. *cruentis manibus...præ se ferens*, 'bearing on him evidence of the guilty act in his hands still stained with blood.' By using the imperfect *veniebat*, Cicero means that Milo would not have attempted to come under such circumstances.

quam idem...putaret, 'how indubitably was the same to be expected in a man like Clodius,—that he would anticipate sovereignty for himself as a consequence of Milo's death.' The reading *quin*, found in the best MSS., is preferable to *qui*, as being the more difficult. If Cicero had merely said, *quam idem in Clodio non dubitandum!* he would have been understood to ascribe the same motive to Clodius as he had deemed incredible in the case of Milo; to correct this incongruity, he added the clause *quin se...putaret*, expressing the difference of motive, which was appropriate to the circumstances of Clodius.

quod caput est audacia, ('not to omit that which is the mainspring of all daring.') *Caput* is here used for the fountain-head, as in the speech *pro Plancio*, c. 23: 'si quid sine capite manabit, aut si quid erit ejusmodi ut non exstet auctor qui audierit.'

§ 44. *Ex M. Favonio audistis*. See chap. 9, § 26.—*post diem tertium*, 'three days after.' Another form was 'tertio die...quam.'

quum ille...fecerit, 'when he did not hesitate to disclose his thoughts, can you hesitate about his acts?' There is no sufficient authority for altering the common reading *dubitaret* into *dubitarit*, as Orelli and Matthiæ have done.

CHAPTER XVII.

§ 45. *Quemadmodum...fefellit*, 'how was it then that he made sure of the right day?' *dixi equidem modo*, 'I have just told you.'

Dictatoris...nihil erat, 'there was not a bit of trouble in getting to know about the sacrifices appointed to be performed by the Dictator of Lanuvium.' Comp. *Tusc. Disp.* i. 47: '*quum illam ad solemne et statum sacrificium curru vehi jus esset.*' *Status* is a participle of the verb *sistere*.

ab ipsius mercenario...concitata, 'got up by his own hireling tribune of the plebs.' Asconius thinks that Q. Pompeius is the tribune here meant.

§ 46. *ut enim...rogasset*, 'for supposing he had asked no one else but his most intimate friend Titus Patina.'

servum etiam...corruerit, 'suppose that he bribed a slave, as my friend Quintus Arrius has suggested.' The words *meus amicus* appear to have been added sarcastically. Q. Arrius had formerly been intimate with Cicero, as we learn from the speech in *Vatinium*, c. 12: '*quo consilio aut qua mente feceris ut in epulo Q. Arrii familiaris mei cum toga pulla accumberes?*' But in a letter written to his brother Quintus, while in exile, he complains thus bitterly of the conduct of Arrius: '*quantum Hortensio credendum sit nescio; me summa simulatione amoris summaque assiduitate quotidiana sceleratissimi insidiosissimeque tractavit, adjuncto quoque Arrio; quorum ego consiliis, promissis, præceptis destitutus, in hanc calamitatem incidi.*' *ad Q. Fratrem*, l. 3, § 8.

cujus jam pridem...Romæ. When Clodius was impeached for sacrilege in the year 61, Cassinius Schola swore that he was staying at his house in Interamna at the time when the sacrilege was said to have been committed; but Cicero proved that Clodius had been with him but three hours before he pretended to be at Interamna. Comp. Quintilian, iv. 2, 88: '*P. Clodius, fiducia testium, qua nocte incestum Romæ commiserat Interamnæ se fuisse dicebat.*' Interamna (the modern *Terni*) in Umbria, was so called because it was situated between two branches of the river Nar.

in Albano, i.e. *agro*. The architect Cyrus is thus mentioned in one of Cicero's letters to Atticus (II. 3, § 2): '*fenestrarum angustias*

quod reprehendis, scito te Κύρου παιδεῖαν reprehendere: nam quum ego idem istuc dicerem, Cyrus aiebat viridiorum διαφάσεις latissimis luminibus non tam esse suaves.'

C. Clodius. A brother of P. Clodius, and father of the Appii, Milo's accusers.

CHAPTER XVIII.

§ 47. *primum certe...Clodio*, 'in the first place, Milo is at any rate satisfactorily proved not to have set out with the intention of plotting on the high way against the life of Clodius.' For the construction *liberatur non...profectus esse*, comp. *Philipp.* v. c. 5. § 14: 'quæro igitur, si Lysiades citatus iudex non responderit, excuseturque Areopagites esse, accipietne excusationem is qui quæstioni præerit?' The Greeks had the same idiom: thus Thucydides (i. 95), says of Pausanias, τὰ μέγιστα ἀπολύεται μὴ ἀδικεῖν.

quippe; si ille...non erat, 'undoubtedly so; if he (Milo) was not likely to meet him at all.' Thus *quippe* is used with *enim*, *de Orat.* ii. c. 54: 'leve nomen habet utraque res; quippe; leve enim est totum hoc, risum movere.'

me videlicet...describent, 'I was the person, you must know, to whom a set of low outcasts gave the character of a highwayman and assassin.' Asconius says that Pompeius Rufus and C. Sallustius are here intended. In the next sentence translate *jaçant*, 'are upset.'

§ 48. *nam occurrit...non fuisset*, 'for I am met by the objection, that therefore Clodius also did not meditate any plots, since he meant to stay at the Alban estate; which would be very true, if he had not meant to sally forth from his seat for the purposes of bloodshed.' *Siquidem* here corresponds to our phrase 'yes, if;'; comp. *de Nat. Deor.* ii. c. 36: 'at Latine loquitur: siquidem nos non quasi Græce loquentem audimus.'

testamentum...obsignavi. Wills were sealed with a signet, as well as signed; comp. *pro Cluent.* c. 14: 'testamentum in alias tabulas transcriptum signis adulterinis obsignavit.' For an account of the formalities connected with Roman wills, see *Dict. of Antig. art. Testamentum*.

hora tertia, 'at eight o'clock, a. m.:' *hora decima denique*, 'at only three o'clock, p. m.' *Denique* here means 'at the most,' or 'at the furthest,' as in the speech *pro S. Roscio*, c. 37: 'si nihil aliud fecerunt nisi rem detulerunt, nonne satis fuit his gratias agi? denique, ut perliberaliter ageretur, honoris aliquid haberi?' For the use of the imperfect tense *nuntiabatur* comp. *veniebat* in c. 16, § 43; and see note.

CHAPTER XIX.

§ 49. *age, sit ita factum*, 'well, be it so;' i.e. that he was sent for on the death of Cyrus.

cur in noctem se conficeret, 'why he should plunge into the perils of night.' Comp. *de Orat.* iii. c. 50: 'ut quum se mente ac voluntate conjecisset in verum, verba sequerentur.'

quid afferebat...erat, 'what ground for hurry was afforded by the fact of his being an heir?'

properato opus. *Opus* and *usus* are often followed by the perfect participle in the ablative: comp. Sall. *Cat.* c. 1: 'mature facto opus est.'

Miloni subsidendum...fuit, 'since Milo was a conspirator, he ought to have skulked (in the suburbs) and lain in wait for him.'

§ 50. *ipse ille...locus*, 'the spot itself, which is a den and harbour for marauders.' In the next sentence translate *dum...Milonem*, 'while the dumb loneliness of the place could have told no tales of Milo, nor the blind night have betrayed him.' Asconius says that the spot here alluded to was the Tomb of Basilus, near the Appian Road.

tota denique rea citaretur Etruria, 'in short, the whole of Etruria would be summoned to the bar of justice.' See ch. 9, § 26.

§ 51. *Aricia*. The modern Lariccia, distant about 16 miles from Rome. It was celebrated for a temple sacred to Diana, and a grove said to be the dwelling-place of the nymph Egeria. From the latter circumstance it was called by Lucan (vi. 75) 'nemoralis Aricia.' Sir W. Gell describes it as 'a small town under the Alban mountain, about a mile from Albano, but divided from it by a deep ravine... the modern town, being the ancient citadel, is difficult of access.' *Topography*, Vol. i. p. 182. 'The ancient town extended down the steep declivity from the citadel to the Appian Road in the valley below,' p. 183. *Aricia* is the first place mentioned by Horace in his *Iter ad Brundisium*, *Sat.* i. 5, 1:

Egressum magna me excepit Aricia Roma
Hospitio modico.

Juvenal (*Sat.* i. 4, 116) thus alludes to the beggars who then, as at present, infested the hill near *Aricia*:

Cæcus adulator dirusque a ponte satelles,
Dignus Aricinos qui mendicaret ad axes,
Blandaue devexæ jactaret basia rhedæ.

devertit ad se, 'called at his own house.'

Quod nisi sciret...deversurum, 'and supposing Milo did not actually know that he had been at *Aricia*, still he could scarcely help guessing

that he would stop for refreshment at his own seat, as it was close by the road-side, even if it was his wish to go back to Rome that day.' The reading '*Quod ut sciret*,' adopted by Ernesti and Orelli, does not sufficiently preserve the antithesis evidently intended between *sciret* and *susplicari*; nor does it give much force to the *tamen*. Perhaps the true reading may have been '*quod si nesciret*:' if *nisi* is right, it = *si non*.

ne ille in villa, 'to prevent his stopping the night in his country-house.'

§ 52. *etiam potius alienum*, 'so far from being necessary, was even inconvenient:' see § 41.

CHAPTER XX.

§ 53. *id quod caput est*, 'that which is the main point;' *tandem* may here be translated 'really,' or 'in fact:' comp. Hor. *Epist.* i. 17, 2:

*Quamvis, Scæva, satis per te tibi consulis, et scis
Quo tandem pacto deceat majoribus uti.*

Ante fundum Clodii...delegerat, 'Could Milo suppose that he would have the advantage on the raised and elevated ground occupied by his adversary, in front of Clodius' farm, a farm on which, in consequence of those monstrous buildings he had been erecting, a good thousand of able-bodied men was at work, and had he for this reason fixed upon that spot of all others for a fight?'—*insanas illas substructiones*. These are mentioned again in ch. 31, § 85. Comp. Hor. *Od.* iii. 1, 33:

*Contracta pisces æquora sentiunt,
Jactis in altum molibus: huc frequens
Cæmenta demittit redemptor
Cum famulis, dominusque terræ.*

facile mille, 'a good thousand:' comp. the phrase '*facile princeps*,' de *Divin.* ii. 42.

§ 54. *Si hæc...insidiator*, 'if you were not listening to a description of these occurrences, but only looking at a picture of them, it would still be self-evident which of these two men was plotting against the life of the other.'

Quid horum...constrictus esset, 'What greater incumbrance could there be than any one of these—the dress, or the vehicle, or the fellow-traveller? what situation could be less available for fighting, than to be entangled in a travelling-cloak, hampered with a travelling-carriage, and almost pinned down to his seat by a wife?' The regular construction being interrupted by the parenthetical clauses *Quid horum*

...constrictus esset? instead of proceeding, 'alter egrederetur e villa subito, &c.' he changes the form of expression to the imperative sentence, *Videte illum, &c.*

Videte illum...temporis. Cicero is here stating the facts, so far as Clodius was concerned, in order to shew that his conduct could not be easily explained, except on the supposition that he had some mischief in hand.

id præsertim temporis, i. e. vesperi.

Devertit in villam Pompeii. 'He called at Pompeius' country-seat.' The Alban villa of Pompeius is thought to have been in the position of the modern villa Barberini, near Castel Gandolfo. Sir W. Gell, i. p. 66.

in Alsienti. 'Alsium was on the coast' of Etruria; it stood on the spot now occupied by Palo; a shore somewhat elevated above the very low ground in the vicinity, recommending it as a site. To this circumstance we may ascribe the erection of a fort at this place, and the three or four ruinous villas of the Roman nobility. Pompey had a villa here. There is no shelter even for boats, and nothing can be more unhealthy and desolate than the surrounding country.' Sir W. Gell, Vol. i. p. 91.

Quid ergo erat? mora et tergiversatio, 'What then was the matter?—delay and vacillation.' *Tergiversari* meant, literally, 'to turn tail;' and hence, 'to vacillate' or 'falter:' see *ad Att.* xvi. 5, § 3: 'Cn. Luceius, qui multum utitur Bruto, narravit illum valde morari, non tergiversantem, sed expectantem si qui forte casus.'

dum hic...noluit, 'until the defendant should come up, he did not like to leave the spot.'

CHAPTER XXI.

§ 55. *Age nunc,* 'now then.' Both *age nunc* and *age dum* are frequently used with a plural imperative.

expediti latronis, 'of a lightly-equipped highwayman.'

comites Græculi, 'some miserable Greek followers:' the term *Græculi* is one of contempt: thus Juvenal speaks of the endless accomplishments of the poor starveling Greek; *Sat.* i. 3, 76:

Grammaticus, rhetor, geometres, pictor, aliptes,
 Augur, schœnobates, medicus, magus,—omnia novit
 Græculus esuriens;—in cœlum, jusseris, ibit.

in castra Etrusca. According to Asconius, Cicero here refers to the report that Clodius had set out from Rome for the purpose of joining Catiline in the camp of Manlius at Fæsulæ in Etruria, but, changing his mind on the way, had returned to the city. The allusion, how-

ever, may be to the depredations committed by him in Etruria, mentioned in ch. 9, § 26.

tum nugarum in comitatu nihil, 'then not a bit of any such trumpery in his train.' Comp. *ad Att.* vi. 3: 'amicos habet meras nugas, Matinium, Scaptium.' Abram gives the following illustration of this passage from the *Protagoras* of Plato, p. 347 D: ὅπου δὲ καλοὶ κάγαθοὶ συμπόται καὶ πεπαιδευμένοι εἰσὶ, οὐκ ἂν ἴδοις οὐτ' αὐλητρίδας οὐτ' ὀρχηστρίδας οὐτε ψαλτρίδας, ἀλλὰ αὐτοὺς αὐτοῖς ἱκανοὺς ὄντας συνεῖναι, ἄνευ τῶν λήρων τε καὶ παιδιῶν τούτων.

qui nunquam, 'who was never in the habit of doing so.'—*pueros symphoniacos*, 'chorister-boys,' belonging to his wife Fulvia.—*ancillarum greges*, 'troops of waiting-maids.'

tum neminem...diceret, 'on this occasion did not take one, but only persons of such a stamp that you would say each man had picked his mate.' *Tales* must be supplied before *ut*; comp. *Brutus*, c. 47: 'L. Gellius non tam vendibilis orator, quam (talis) ut nescires quid ei deesset.' In expeditions of peculiar danger and difficulty each Roman soldier was allowed to choose his own comrade: the same practice prevailed in Etruria, as we find from Livy, ix. 39: 'ad Vadi-
monis lacum Etrusci, lege sacrata coacto exercitu, cum vir virum legisset, quantis nunquam alias antea simul copiis simul animis dimicarunt.' Virgil, however, uses the phrase *vir virum legit* in the sense, 'each one picked out his man' (i. e. his foe), *Æn.* xi. 632:

Tertia sed postquam congressi in prælia, totas
Implicuere inter se acies, legitque virum vir.

§ 56. *Nec vero...esset paratus*, 'and indeed Milo was at no time so unprepared against his attacks, as not to be in some measure sufficiently well prepared.'

quam maximis...sciebat, 'knowing that very high rewards had been offered for it, and that it had been almost knocked down to the best bidder.' *Addicere* is used in several senses; but here it means 'to knock down' or 'dispose of' at an auction, as in the speech *pro Cæcina*, c. 6: 'licetur Æbutius; deterrentur emptores multi...fundus addicitur Æbutio.'

Martem communem...ab abjecto, 'the indiscriminating god of war, who has often overthrown the victor in the very act of exultingly despoiling his antagonist, and dealt a death-blow from the hand of him who lay at his mercy.' Mars was called *communis* because he sometimes favoured one side, and sometimes the other; comp. *pro Sext.* c. 5: 'hic ego quid prædicem...quos stimulos admoverit homini studioso fortassis victoriæ, sed tamen nimium communem Martem bellique casum metuenti.' Hence Homer applies to the god Ἄρης the epithet ἀλλοπρόσαλλος, *Il.* c. 831, 889. Cicero may have had in his mind the

following description of the death of Eteocles in the *Phœnissæ* of Euripides, 1416—1424 :

ὁ δ', ὡς κρατῶν δὴ καὶ νενικηκὼς μάχῃ,
 ξίφος δίκων ἐς γαῖαν ἐσκόλευέ νιν,
 τὸν νοῦν πρὸς αὐτὸν οὐκ ἔχων ἐκεῖσε δέ·
 ὃ καὶ νιν ἐσφηλ'· ἔτι γὰρ ἐμπνέων βραχὺ,
 σώζων σίδηρον ἐν λυγρῷ πεσήματι
 μόλις μὲν, ἐξέτεινε δ' εἰς ἡπαρ ξίφος
 Ἑτεοκλέους ὁ πρόσθε Πολυνείκης πεσών.
 γαῖαν δ' ὁδᾶξ ἐλόντες ἀλλήλοιν πέλας
 πίπτουσιν ἄμφω, κοῦ διώρισαν κράτος.

ab abjecto. The preposition *ab* denotes the direction *from* which the blow came. *Abjectus* means, not only 'laid low,' but 'humbled': comp. ch. 36: 'ego me plurimis supplicem abjeci.'

adde inscitiam...cogitavit, 'add to this the stupidity of the captain, who was drowsy after a full meal, and having left his enemy cut off in the rear, never thought about his (Milo's) hindmost followers;' see chap. 10.

oscitantis. Literally, 'yawning:' comp. a fragment from the speech of Cicero *pro Gallio*, quoted by Quintilian, viii. c. 3: 'videbar videre... quosdam ex vino vacillantes, quosdam hesternæ potatione oscitantes.'

hæsit...expetiverunt, 'he was caught in that vengeance which faithful slaves wreaked on him in defence of their master's life.'

§ 57. *Cur igitur eos manumisit?* As Roman citizens could not be scourged or put to the torture, it was sometimes customary for masters to emancipate their slaves, that they might be exempt from torture. The master was said *servum manumittere* when he turned him round and let him go from his hold before the prætor, after laying his hand upon the slave's head, and saying to the prætor, 'Hunc hominem liberum esse volo.' The ceremony of emancipation was then performed by a lictor laying the rod called *vindicta* or *festuca* upon the head of the slave, saying, 'Dico eum liberum esse more Quiritium.' See *Dict. of Antiq. art. Manumissio*.

metuebat scilicet ne indicarent, (ironically), 'he was fearful, of course, lest they should give information.'

Nihil ad tortorem...judicio, 'that was no concern of the person torturing; for it is the fact which is investigated on the rack; the question of law is decided in a court of justice.' The *equuleus* appears to have been an instrument of torture on which slaves were *horsed*.

CHAPTER XXII.

Quod igitur...agamus hic, 'let us therefore attend in this place to that which is the proper subject of inquiry in a legal case.' The word *causa*, in this sense, is thus defined by Cicero in his *Topica*, c. 21, § 79: '*quæstionum* duo sunt genera, alterum infinitum, alterum definitum; definitum est quod *ὑπόθεσιν* Græci, nos causam...Causa certis personis, locis, temporibus, actionibus, negotiis cernitur, aut in omnibus aut in plerisque eorum.'

nescis...reprehendere, 'you do not know the way to find fault with the act of an adversary:' i. e. you have not wit enough to discover his real faults.

§ 58. *propter quos vivit*, 'to whom he owes his life;' comp. *pro Sex. Roscio*, c. 22: 'portentum atque monstrum est certissimum, esse aliquem humana specie et figura, qui tantum immanitate bestias vicerit ut propter quos hanc suavissimam lucem aspexerit eos indignissime luce privarit.'

defensores necis, 'who averted his murder:' comp. *pro Muræna*, c. 2: 'is potissimum consul qui consulem declaravit auctor beneficii populi defensorque periculi esse debet.' *Defendere*, in its primary sense, is 'to ward off' or 'parry,'—the old verb *fendere* meaning 'to hit' or 'strike.'

quod minus moleste ferat, 'which gives him less uneasiness:' *si quid ipsi accidat*, 'if anything should happen to himself;' the corresponding phrase in Greek was *ἤν τι πάθῃ*.

§ 59. *Sed quæstiones...in atrio Libertatis*, 'but Milo is hard pressed by the examinations which have been held at the present time in the court of the Temple of Liberty.' The Atrium Libertatis was an area surrounded by colonnades in front of the temple of Liberty; it was situated on the Aventine, the temple having been built by Tiberius Gracchus after his victory over the Carthaginians at Beneventum (Liv. xxiv. 16). It was afterwards repaired and enlarged by Asinius Pollio, who also added a valuable library (Suet. Aug. c. 29; Plin. H. N. vii. 30). There was another less celebrated Atrium Libertatis, near the Forum, mentioned by Cicero in a letter to Atticus (iv. 16). See *Dict. of Antiq.* art. *Atrium*.

Appius. The son of Caius Clodius the brother of Publius.—*ab Appio*, 'from the house of Appius:' comp. Ter. *And.* iii. 1, 3: '*ab Andria est ancilla hæc*:'—*quid potest agi severius?* 'What proceeding could possibly be more harsh?' See Introduction, § 9.

de servis...in Clodium. Cicero purposely overlooks the real object for which the slaves of Clodius were examined,—viz. to obtain evi-

dence against Milo,—for the sake of introducing the allusion contained in the words *nisi de incestu, ut fuit in Clodium*.

proxime deos...queritur, 'Clodius has indeed approached very near to the gods,—nearer than he did when he had forced his way into their very presence,—when his death is made the subject of as particular an inquiry as the profanation of religious rites.'

non quia non...videbatur, 'not because the truth could not be thus discovered, but because it seemed derogatory,' &c. Comp. *Tusc. Disp.* i. c. 1: 'hoc mihi Latinis litteris illustrandum putavi, non quia philosophia Græcis et litteris et doctoribus percipi non posset, sed,' etc.

§ 60. *age vero...certius*, 'well now, what kind of an examination was it?'—'Here you, Rufio, (we will suppose) mind, if you please, that you speak the truth: did Clodius plot against Milo?' 'Yes, he did,'—certain torture. 'No, he did not,'—a hope of liberty. What can be more safe than an examination such as this? *Sis* is a contraction of the words *si vis*, and is frequently found in the colloquial Latin of Plautus and Terence: e. g. Ter. *Eun.* iv. 7, 29:

Cave sis: nescis cui maledicas nunc viro.

in arcas, 'into cages.' The *arca* appears to have been a strong 'box' or 'cage,' made of oak, in which slaves and criminals were confined. Comp. Plaut. *Curc.* v. 3, 14:

At ego vos ambo in robusto carcere
Ut pereatis.

CHAPTER XXIII.

§ 61. *cum res ipsa...luceat*, 'when the actual facts are brought to light by means of such clear proofs and evidences:—*nulla conscientia exanimatum*, 'uncowed by any sense of guilt.' The verb *exanimari* has two meanings:—1, 'to be deprived of breath' or 'life' (*anima*):—2, 'to be deprived of spirit' (*animus*). *Conscientia* is frequently used in a bad sense, as in *Catil.* ii. c. 6: '*Conscientia convictus*.'

quæ oratio. See Introduction, § 4.

omnem Italiæ pubem. Pompeius had received an unlimited commission from the senate to raise levies throughout Italy. See Introduction, § 5.

cui nunquam...credenti, 'and he would never have put himself in his power, if he had not confidence in his cause, especially at a time when he (Pompeius) was hearing all kinds of reports, apprehending great dangers, haunted by many suspicions, and a believer in some of the things that he heard.' Comp. ch. 24, §§ 65, 66.

in utramque partem, 'both ways;' i. e. both in the case of the innocent and the guilty: comp. *Off.* ii. c. 6: 'magnam vim esse in fortuna in utramque partem, vel secundas ad res vel adversas, quis ignorat?' Hence 'disserere in utramque partem' meant 'to argue on both sides of a question, for and against:' see *Acad.* i. c. 12, § 46.

qui nihil commiserint, 'who have done nothing amiss.' Sometimes *committere* is used intransitively, in the sense 'to offend' or 'transgress,' as in the speech *pro Roscio Amer.* c. 20: 'quum verisimile erit aliquem commisisse, in suspicione latratote.'

§ 62. *sine ratione certa*, 'without express reason:'—*facti rationem*, 'the justifiableness of the act:' comp. *ad Herenn.* c. 16: 'Ratio est quæ causam facit et continet defensionem...Orestes, quum confiteatur se occidisse matrem, nisi attulerit facti rationem, perverterit defensionem. Ergo affert eam; quæ nisi intercederet, ne causa quidem esset. Illa enim, inquit, patrem meum occiderat.'—*defensionis constantiam*, 'the steady consistency of his defence.'

sermones et opiniones, 'the remarks and surmises:'—*nonnullorum imperitorum*, 'of some few weak persons.'

§ 63. *sive enim...inimicum*, 'for, whether he had so acted in a fit of passion as to murder his adversary, while burning with enmity.' *Illud* has reference to the following *ut*.

non dubitaturum...legibus, 'that, being a man of courage, he would not, after having at his own peril saved the commonwealth, hesitate to bow contentedly to the laws of his country:' i. e. voluntarily inflict on himself the punishment of exile, which he had legally incurred by his act.

atque illa portenta, 'and those other monsters:' viz. the confederates of Catiline. So Clodius is termed 'fatale portentum prodigiumque reipublicæ,' in the speech *pro Pisone*, c. 4, § 9.

loquebantur, 'began to talk about:' the verb *loquebantur* is here used rather contemptuously, as in the *Paradoxa*, vi. c. 3: 'M. Manilius patrum nostrorum memoria (ne semper Curios et Lusinos loquamur) pauper tandem fuit.'—*erumpet*, 'he will break loose.'

miseros interdum...suspiciuntur, 'how wretched sometimes is the case of citizens who have the greatest claims upon the gratitude of the commonwealth, when men not only forget their most brilliant achievements, but even suspect them of infamous designs!'—*vera exstiterent* 'would have come true.'

CHAPTER XXIV.

§ 64. *Quid? quæ...potuisset*, 'Why, how he bore,—immortal gods! bore, did I say? nay rather, how he despised and set at naught the calumnies that afterwards were heaped upon him, such as would have daunted any man with a consciousness even of trivial misdemeanours;—which no one, if guilty, however high his spirit, and no one but a man of the greatest resolution, if he were guiltless, could possibly have disregarded.' For the use of *quid* in the first sentence, comp. *Ep. ad Fam.* vii. 1: '*quid tibi ego alia narrem? nosti enim reliquos ludos: quid? ne id quidem leporis habuerunt quod solent mediocres ludi.*'

angiportum, 'alley:' comp. Hor. *Od.* i. 25, 9:

Invicem mœchos anus arrogantes
Flebis in solo levis angiportu.

Miloni, 'for Milo's use.'—*in villam Ocriculanam*. Ocriculum, the modern *Otricoli*, was in Umbria, on the banks of the Tiber; by Strabo it is called 'Οκρίκολοι, and said to have been on the Flaminian Road.

malleolorum, 'mallets' (which is the diminutive of *malle*). The *malleolus* used in warfare was a hammer-shaped projectile, the head of which was formed to hold pitch and tow; when these had been set on fire, it was projected over the houses and buildings of a besieged city: see Livy xxxviii. 6: '*alii cum ardentibus facibus, alii stuppam picemque et malleolos ferentes, tota collucente flammis acie, advenere.*'

hæc non delata...quæsita, 'these stories not only came to people's ears, but were all but believed; and they were not discarded before inquiry:' viz. by Pompeius.

§ 65. *quin etiam...maximo*, (*ironically*) 'nay, more, let us even suppose that the butcher Licinius deserved a *hearing*,—some fellow from the Circus Maximus,—who said that the slaves of Milo,' &c. *Audendus* is emphatic by position. *Popa* was a person who felled victims at the sacrifices. Their corpulence is alluded to by Persius, vi. 74:

...ast illi tremat omento popa venter.

Comp. Sueton. *Calig.* c. 32: '*admota altaribus victima, succinctus poparum habitu, elato alte malleo, cultuarium mactavit.*'—*de Circo Maximo*. The Circus Maximus, so called because it was the principal circus in Rome, and the place where the *Ludi Circenses* were held, drew a very low and profligate class of citizens to its precincts.—*apud se*, 'at his shop.' See Introduction, § 8. n. 48.

Pompeio in hortos nuntiavit, 'he sent intelligence to Pompeius into his gardens.' Pompeius at this time kept within his pleasure-grounds, and was protected by a military escort.

de amicorum...senatum, 'agreeably to the opinion of his friends, he lays the matter before the senate.'

pro ictu gladiatoris probari, 'should be passed off as the stroke of a gladiator.' Comp. *in Verr.* v. c. 30, 'quum vulgo loquerentur suppositum in ejus locum, quem pro illo probare velles.' Ter. *Eun.* II. 3, 83 :

Præterea forma et ætate ipse es facile ut pro eunuchō probes.

§ 66. *nemo audierat...audiebatur*, 'no one had heard aught, so frequented as the spot is ; no one had been aware of it : yet still the story continued to be listened to.' The house of Cæsar, who was in Gaul at this period, was situated in the Via Sacra, one of the great thoroughfares of Rome, leading through the Forum to the Capitol. Comp. Sueton. *Jul.* c. 46 : 'habitavit primum in Saburra modicis ædibus ; post autem Pontificatum maximum in Sacra Via domo publica.'—*audiebatur*. The imperfect tense here expresses the *continuance* of the action denoted by the verb.

non poteram...putabam, (*ironically*), 'it was impossible for me to suspect a citizen of such distinguished valour as Cnæus Pompeius of cowardice ; or to think any vigilance too great, since he had taken the government of the entire commonwealth upon himself.'

senator. Publius Cornificius.—*cum telo esse*. This was contrary to a law of the Twelve Tables, which was re-enacted by Pompeius. See Mr. Merivale's note on Sallust, *Catil.* c. 27.

quoniam—loqueretur, (*sarcastically*), 'inasmuch as it was not to be supposed that the past *life* of such a man and such a citizen afforded any security, unless, in his silence, the *fact* spoke for itself.' The reading '*ut loqueretur*,' would require *se* or *se ipso* before *tacente*, rather than *eo*. Observe the *ironical* use of the imperfect *faciebat*.

CHAPTER XXV.

§ 67. *non hoc jam...timemus*, 'it is not *this* charge with reference to Clodius that we are afraid of *now*.'

ut me exaudire possis, 'that you may distinctly hear me.' Pompeius was seated at a considerable distance from the orator, near the Treasury. Comp. *pro Ligar.* c. 3 : 'quantum potero voce contendam, ut populus hoc Romanus exaudiat.'—*perhorrescimus*, 'we shrink with horror from.' See Introduction, § 8. n. 48.

conquisitores, 'recruiting-officers : ' comp. *ad Att.* VII. 20 : 'nullus usquam delectus ; nec enim *conquisitores* φαίνοπρὸςωπείν audent, quum ille adsit.' See also Liv. XXI. 11.

si excubiæ, si vigiliæ, 'if watches and sentries:' comp. *pro Plancio*, c. 42. § 101: 'o excubias tuas, Cn. Planci, miseras! o flebiles vigiliæ! o noctes acerbas!'

magna in hoc...armata est, 'great indeed is the energy, and incredible the courage implied in the defendant's character, such strength too and resources as belong to no one individual,—if it is the fact that the most distinguished captain of his day has been selected, and the whole commonwealth armed, against this single man.'

§ 68. *quod si...datus esset*, 'if however the opportunity had been afforded to Milo:' for this use of *locus*, comp. *de Nat. Deor.* III. c. 8: 'ut...repente avertas orationem, nec des respondendi locum.' Milo had sought an interview with Pompeius when shut up in his gardens, but had been refused admittance. See Introduction, § 8.

se a te...capitis, 'that he had himself been defended by you, when his civil privileges were in danger.' *Se* is emphatic by position, as being antithetical to *tribunatum suum* in the preceding clause. Milo was defended by Pompeius when accused *de vi* by Clodius. *Caput* was used in Roman law for the status of a citizen; and he who lost or was degraded from that status was said to be *capite diminutus*, or *capitis minor*. See *Dict. of Antiq.* art. *Caput*, and comp. *Hor. Od.* III. 5, 42:—

Fertur pudicæ conjugis oscula
Parvosque natos, ut capitis minor,
Ab se removisse, et virilem
Torvus humi posuisse vultum.

is qui...consuevit, 'such is his natural character, and such the habitual tone of his mind.' In Greek, *is qui ita natus est* would be expressed by ὅστις οὕτω πέφυκε.

te antestaretur, 'he would appeal to you (as a witness of his intentions).' If a defendant would not obey the summons of the plaintiff, the latter was said *antestari* when he called on any one present to be witness that the defendant had been duly summoned; it was the custom to touch the ear of the witness on these occasions: comp. *Hor. Sat.* I. 9, 75—78:

casu venit obvius illi
Adversarius, et, 'Quo tu, turpissime?' magna
Exclamat voce, et, 'Licet antestari?' Ego vero
Oppono auriculam; rapit in jus.

CHAPTER XXVI.

§ 69. *Vide quam...quantæ timiditates*, 'See how diversified and changeable is life's course! what a wayward weathercock is Fortune! what grievous instances we see of faithlessness in friends! what time-serving professions! what sad cases of desertion and of cowardice in dangerous times!'

salutaribus, ut spero, rebus tuis, 'your circumstances, as I hope, being advantageous.' Comp. the use of the adverb *salutariter* in a letter of Plancus to Cicero, *Ep. ad Div. x. 23. § 2*:—'*consedi eo consilio ut vel celeriter accedere vel salutariter (with advantage) recipere me possem.*' Cicero hints that a time might come when Pompeius, though still in circumstances to be of service to the state, would yet find his influence much impaired. Some editors suppose that this was a prophecy after the event, and that it was added after the termination of the civil war between Cæsar and Pompeius.

sed fortasse...immutatis, 'though, perhaps, impaired by some shock to the state of public affairs.' *Communia tempora* is used in opposition to *rebus tuis*, 'your private affairs.'

unius post homines natos fortissimi viri, 'of one unmatched in bravery since the birth of men.'

§ 70. *quo uno versiculo...fuerunt*, 'by which single line the consuls have always been armed with sufficient powers.' So in his work *de Legibus* (II. c. 6. §. 14), Cicero says with reference to the same formula, that certain laws could be annulled in a moment '*uno versiculo senatus.*' For the nature of the extraordinary powers thus conferred on the consuls, comp. Sallust. *Catil. c. 29*:—*senatus decrevit darent operam CONSULES NE QUID RESPUBLICA DETRIMENTI CAPERET. Ea potestas per senatum, more Romano, magistratui maxima permittitur;—exercitum parare, bellum gerere, coercere omnibus modis socios atque cives; domi militiæque imperium atque iudicium summum habere: aliter, sine populi jussu, nullius earum rerum consuli jus est.*' See Mr. Merivale's notes, p. 46.

hunc exercitu...tolleret, 'that he, I say, when an army and a fresh levy had been granted him, was likely to have awaited the issue of a trial, in executing vengeance on the designs of one (Milo) who was (as it is said) for forcibly abolishing the very forms of trial by law.' For the use of *vindicare* in the sense to 'to punish,' comp. *de Amic. c. 12*: '*quare talis improborum consensio...omnia supplicio vindicanda.*'

qui legem tulit. The relative refers to the preceding antecedent Pompeio. See chap. 6. § 15.

oporteret...liceret. These verbs are in the imperfect subjunctive

because Cicero is speaking of the *meaning and drift* of the law *at the time when it was passed*. See chap. 6. § 15.

§ 71. *in illo loco*. i. e. in the vestibule of the *Ærarium*.

hesternam concionem illam. See note on chap. 2. § 3.

CHAPTER XXVII.

§ 72. *me*. The pronoun is emphatic by position.

de qua...liceret, 'and if I had now no disposition to refute the charge relating to his death in the manner in which I have refuted it, still Milo might with safety be permitted to proclaim it openly, and glory in a lie:' i. e. he might even be allowed to boast that he had purposely killed Clodius as a dangerous citizen; though such a boast would be false, because, according to Cicero, he had killed him in self-defence.—*mentiri gloriose*, lit. 'to lie boastfully:' comp. the expression *splendide mendax* in Hor. *Od.* III. 11, 35.

Sp. Mælium. See notes on ch. 3. § 8.

annona levanda, 'by lowering the price of corn.' Comp. Liv. IV. 12, 13. Livy also uses the phrase *annonam laxare* (II. 34), as we speak of prices being 'slack.'

jacturis rei familiaris, 'by sacrifices of his property:' comp. *de Finibus*, II. c. 24 § 79: 'quid, si non modo utilitatem tibi nullam afferet, sed jacturæ rei familiaris erunt faciundæ, labores suscipiendi, adeundum vitæ periculum.' The idea of *sacrifice* in *jactura* is derived from that of throwing goods overboard in time of shipwreck: comp. *de Off.* III. c. 23. § 89:—'quærit, si in mari jactura facienda sit, equine pretiosi potius jacturam faciat an servuli vilis.'

amplecti plebem, 'to caress the populace.'

Ti. Gracchum. See above chap. 3. § 8: *collegæ*. M. Octavius, a tribune of the plebs, who persisted in putting his veto on the agrarian law proposed by Tiberius Gracchus. See Plutarch's *Ti. Gracchus*, c. 10, 11, and Appian, *B. C.* I. 12.—*Collegæ magistratum abrogavit*, 'deposed a colleague from his office by the votes of the people.' Thus *abrogare legem* meant 'to repeal a law,' and *irrogare pœnam*, 'to impose a penalty' by the votes of the people.

in pulvinaribus sanctissimis: i. e. of Bona Dea. The *pulvinaria* here referred to were cushioned couches on which images of the gods were placed, and were supposed to partake of the sacrificial viands spread before them. For a representation of a *pulvinar*, see *Dict. of Antiq.* art. *Lectisternium*.—*comprehenderunt*, 'found out.' This is a rhetorical exaggeration, as there was no evidence of the fact. The verbs *comprehendere* and *deprehendere* occur together in the speech *pro*

Flacco, c. 16. § 38 :—‘*cera deprehensa, confiderem totius testimonii fictam audaciam manifesto comprehensam atque oppressam teneri.*’

§ 73. *cujus supplicio...censuit.* Comp. *pro Sext.* c. 12.

cum sorore germana. Comp. *pro Cælio*, c. 15. § 36.

civem. i. e. himself.—*exterminavit*, ‘expatriated.’

regna dedit. Clodius, when he was tribune, sold to Brogitarus of Galatia the kingly title conferred on Deiotarus by the Roman senate : see the speech *de Harusp. Resp.* c. 13. § 29. and *pro Sext.* c. 26. § 56.

ademit. In the same year Clodius procured a law to confiscate the possessions of Ptolemæus, king of Cyprus, and depose him from his throne. Cato was charged with the execution of this law. See the speeches *pro Sext.* c. 26, and *pro Domo*, c. 8.

orbem terrarum...partitus est. This is an allusion to the compact made by Clodius, when tribune, with the consuls Piso and Gabinius, by which he agreed to procure the province of Macedonia for Piso, and that of Syria for Gabinius, on condition that they would assist him in his designs against Cicero : see *pro Sext.* c. 10. § 24; *pro Domo*. c. 9.

civem...compulit Pompeius : see above chap. 7.

ædem Nympharum incendit. Clodius set fire to the temple of the Nymphs during his violent attempts to frustrate the recall of Cicero from banishment, in the year succeeding that in which he was tribune. Allusion is made to this circumstance in the *Paradoxa*, iv. 2 :—‘*ædes Nympharum manu tua deflagravit.*’ In the speech *pro Cælio*, c. 32. § 78, the act is ascribed to Sextus Clodius, but probably both had a hand in it.

recensionis, ‘of the censorial review.’ At the quinquennial registration of persons and property in Rome, the censor set a mark of disgrace (*nota censoria*) against the names of those citizens whose private or public life had been flagrantly immoral. Clodius appears to have received some stigma of this kind, and therefore to have burnt the temple in which the national registers were kept. Comp. the speech *pro Cælio*, c. 32 : ‘*qui (speaking of Sextus Clodius) ædes sacras, qui census populi Romani, qui memoriam publicam suis manibus incendit.*’

§ 74. *calumnia litium*, ‘by the chicanery of lawsuits.’ Comp. *Ep. ad Div.* i. 1, § 1 :—‘*Senatus religionis calumniam (i. e. sophistry, referring to the Sibylline books)...comprobat.*’ *Calumnia* is said to be derived from *calutus*, the participle of an obsolete verb *calvere*, meaning ‘to deceive.’—*vindiciis*, ‘challenges.’ *Vindiciæ* was the legal phrase for the claim laid to persons or property by two or more parties before the prætor : see *Dict. of Antiq.* art. *Vindicatio*.—*Suacramentis*, ‘wagers :’ see *Dict. of Antiq.* art. *Vindicatio*. Comp. *de Orat.* i. c. 10, § 42 : ‘*agerent tecum lege primum Pythagorei omnes ..*

quibuscum tibi justo sacramento contendere non liceret.—*signis inferendis*, 'by unfurling his banners,' or 'marching to battle.'

Etruscos. Comp. chap. 9.—*decempedis*, 'measuring-rods' (ten feet in length). Comp. Hor. *Od.* II. 15, 14. Cicero calls a land-surveyor *decempedator* in *Philipp.* XIII. c. 18.

qui Janiculo...suarum, 'who used to make the Janiculum and the Alps the boundary-lines of the possessions that he hoped for as his own':—i. e. the district lying between the Tiber and the furthest limits of Cisalpine Gaul.

in lacu Prelio. This lake is also called *Prilis* or *Prillis* in Pliny, *H. N.* III. 5. It was in Etruria, its modern name being *Lago di Castiglione*.

materiam...arma, 'timber, lime, stone, and arms.' The arms were probably to defend his workmen from the resistance of Paconius: or, perhaps, nothing more is meant by *arma* here than 'building-implements.'

§ 75. *T. Furfanio*. Titus Furfanius Postumus was prætor in Sicily during the years 50 and 49, B. C. (see *ad Att.* VII. c. 5, § 2), and proconsul of the same island in B. C. 45 (*ad Div.* VI. 8, § 3. VI. 9).

cui viro, dii immortales! Comp. *Brutus*, c. 17, § 65:—'Catonem vero quis nostrorum oratorum, qui quidem nunc sunt, legit? aut quis novit omnino? At quem virum, dii boni!'

de muliercula Scantia, 'of the poor woman Scantia.' The termination is here expressive of commiseration, and the unprotected condition of a female.

mortuum se...conflagrandum, 'that he would convey a dead body into his house, a scandal under which a man of such a character as his must have altogether sunk.' The phrases *flagrare* and *conflagrare invidia* are common in Latin (see in *Verr.* I. c. 15, § 43, and *Liv.* XXIV. 26). We have no exactly corresponding idiom, but the same idea is contained in our phrase 'to make a place too hot to hold a man.' The object of Clodius would be to bring Furfanius under a suspicion of having committed a murder in his own house.

Appium fratrem. This was Appius Claudius Pulcher, the eldest brother of P. Clodius, who was succeeded by Cicero in the government of the province of Cilicia, in B. C. 51, and to whom Cicero addressed the third book of his *Epistolæ ad Familiares*. He had been consul in B. C. 54.

per vestibulum sororis, 'through his sister's front-area.' The *vestibulum* of a Roman house was a court surrounded on three sides by the house, and open to the street on the fourth: comp. Plaut. *Mostell.* III. 2. 132:

Viden' vestibulum ante aedes hoc et ambulacrum quoiusmodi.

parietem...instituit ducere, 'set to work to carry a wall.' Comp. *ad Fam.* VII. 19: 'ut primum Velia navigare cœpi, institui Topica Aris-

totelea conscribere.'—*sic agere fundamenta*, 'so to lay the foundation.' Compare the phrase *agere cuniculos* in *Off.* III. c. 23, § 90.—*omni aditu et limine*, 'of all means of approach and entrance.'

CHAPTER XXVIII.

§ 76. *Quanquam hæc...videbantur*, 'however, such proceedings as these came in time to be regarded as quite endurable.' For this use of *quanquam* in the beginning of a sentence, comp. chap. 30, § 82. It has the force of our expression 'the truth is, however, that,' &c.

etsi æqualiter...irruerat, 'although he used equally to attack the state and private individuals, persons at a distance and near neighbours, relations and no relations.' *Æqualiter*, which is the reading of many editors, would rather mean 'equitably' or 'impartially.' Comp. *Ep. ad Q. Fratrem*, II. 1: 'parvi refert abs te ipso jus dici æqualiter et diligenter.'

quæ vero...impendebant. Antithetical to *hæc quidem* above: 'but as to immediate dangers, which were just then imminent,—in what way,' &c.

imperium...esset? 'what if he had obtained a military power?'—referring to the prætorship.—*ut in eos se potius immitteret*, 'that he might fly at them rather than, &c.'

medius fidius. This is an exclamation corresponding to the English 'faith' or 'i' faith,' a contraction of 'in faith.' *Me dius fidius* is an abbreviated form of the expression *me dius fidius adjuvet*: *dius* (or *divus*) *fidius* appears to have been the Latin equivalent of the Greek Ζεύς πιστός, *fidius* being derived from *fides*, as *πιστός* is from *πίστις*. This etymology is confirmed by Plautus, who uses the phrase *Deus Fidius*, *Asin.* I. 1, 8:

Per Deum fidium quæ quæris jurato mihi
Video necesse esse eloqui.

quæ tenentur, 'which are established:' comp. in *Verr.* III. c. 65, § 152: *tenetur igitur jam, iudices, et manifesto tenetur avaritia, cupiditas hominis, scelus, improbitas, audacia.*—*conscripturum fuisse*, 'that he meant to have levied.'

§ 77. *adeste*, 'attend': see notes on § 4.

jus, 'justice': *æquitas*, 'equity.'—*pudor*, 'sense of shame': *pudicitia*, 'decency.'—*esset vero timendum*, 'there would of course be cause to fear' (ironically).

summorum imperatorum. Such as Sulla, Marius, and Pompeius.

§ 78. *quid? ea quæ...potuissent*, 'why, the private property that you possess as your own—what right of lasting tenure could it have conferred, during the sway of a madman?'

CHAPTER XXIX.

odio...inflammatus, 'heated by personal animosity.' The plural *inimicitiae* frequently occurs in the works of Cicero, as in the phrases '*inimicitias gerere*,' '*intercedunt mihi inimicitiae cum aliquo*,' &c.

libentius...quam verius, 'with greater forwardness than truth.' Comp. Tac. *Hist.* i. 80: '*nimia pietas vestra acrius quam consideratius excitavit*.' The Greeks had the same idiom; see Herodotus iii. 65: *δείσας δὲ μὴ ἀπαυρεθῆω τὴν ἀρχὴν πρὸς τοῦ ἀδελφείου, ἐποίησα ταχύτερα ἢ σοφώτερα*.

etenim...odium meum, 'the truth is, that, although I had especial right to hate him, still he was so much the general enemy of all, that my dislike ranged pretty much upon a level with the general dislike.'

§ 79. *quin sic attendite, iudices*, 'nay but, look at the subject in this way, judges.' *Quin* is here intended to express remonstrance with the judges for some supposed signs of impatience or inattention. Comp. Ter. *Phorm.* iii. 2, 1:

PH. Dorio, audi,

Obsecro. Do. Non audio. PH. Parumper. Do. Quin omitte me.

nempe hæc est...Clodii, 'this, it is true, is an inquiry about the violent death of Publius Clodius, and not about his former crimes.' Cicero here checks himself by admitting that he ought not to wander from his proper subject. For this concessive use of *nempe* comp. *ad Att.* ix. 18: '*scimus nempe, hæremus nihilominus*.'

ut ea cernimus quæ videmus, 'as we distinguish the objects which we see.' *Videre* is to see with the outward eye,—an act which may be done quite *unconsciously*: but *cernere* which is akin to *κρίνειν*, and means, literally, 'to separate,' denotes the act by which the mind *consciously* forms a judgment (*κρίσις*) respecting objects presented to the eye. The strict meaning of these two verbs is clearly marked in another passage of Cicero; *Tusc. Disp.* i. c. 20, § 46: '*nos enim ne nunc quidem oculis cernimus ea quæ videmus* (for even now it is not with the eyes that we *distinguish* the objects that we *see*): neque est enim ullus sensus in corpore; sed...viæ quasi quædam sunt ad oculos, ad aures, ad nares, a sede animi perforatæ. Itaque sæpe aut cogitatione aut aliqua vi morbi impediti, apertis atque integris et oculis et auribus, nec videmus, nec audimus; ut facile intelligi possit animum et videre et audire, non eas partes quæ quasi fenestræ sunt animi, quibus tamen sentire nihil queat mens, nisi id agat et adsit.

fingite igitur...conditionis meæ, 'imagine then, I say, that I made the following proposal:' comp. *in Ferr.* iii. c. 62, § 146: '*bene ais*,

Alba; ad tuam veniam conditionem.'—*si possim...revixerit*, 'supposing I could make you acquit Milo,—but on the understanding that Clodius should be restored to life.'

quos...percussit, 'into whom, when dead, he has struck terror by an idle fancy:' comp. c. 34, § 94: '*cogitationes inanes meæ*!'

hujus ergo...liberavisset, 'could then the slayer of a man like this, while admitting the deed, have to fear punishment from the very persons whom he had delivered.' The reading *qui esset* is better than *si esset*, because Cicero is not supposing that Milo was the person who killed Clodius, this being admitted, but he here asks a question; viz. whether *any one* under such circumstances would expect to be punished.

§ 80. *Græci...necaverunt*. Comp. Demosth. *περί παραρρεσβ.* p. 431,—where, speaking of Harmodius and Aristogeiton, who lost their lives in attempting to overthrow the power of Hipparchus and Hippias, the sons of Pisistratus, he says:—*οὗς νόμος, διὰ τὰς εὐεργεσίας αὐτῶν ἤρξαντο εἰς ὑμᾶς, ἐν ἅπασιν τοῖς ἑλλήσι ἐπὶ ταῖς θυσίαις σπονδῶν καὶ κρατήρων κοινωνοὺς ποιεῖσθε, καὶ ἄδετε καὶ τιμᾶτε ἐξ ἰσοῦ τοῖς ἥρωσι καὶ τοῖς θεοῖς*. No slave at Athens was allowed to bear the name of Harmodius or Aristogeiton.—*tyrannos*, 'sovereigns:' the word *tyrannus* is generally used by Cicero in a bad sense, but the Greek *τύραννος* primarily signified 'an independent sovereign;' who, however often became a despot really, or was considered such in states accustomed to republican institutions. Comp. Corn. Nep. *Milt.* c. 8:—'*omnes autem habentur et dicuntur tyranni, qui potestate sunt perpetua in ea civitate quæ libertate usa est.*'

res divinas...carmina. See the passage quoted above from Demosthenes. A poet named Callistratus composed a very popular Ode in praise of Harmodius, which is preserved in Athenæus, xv. p. 695.

prope ad...consecrantur, 'they are so much venerated as almost to obtain the religious worship and commemoration proper to an immortal state of being.'

CHAPTER XXX.

§ 81. *nihil petit nisi ut ignoscatur*, 'looks for nothing but forgiveness:' *ignoscatur* must be taken here impersonally, the construction being *nisi ut ignoscatur sibi*.—*præmia laudis*, 'tributes of praise.'

quum præsertim—amplissimos, 'especially when, in making that confession, if you chose to be not unthankful, he would attain to honours of the highest kind.' This clause refers to that which is

implied rather than *expressed* in the preceding words, viz. that the judges would feel more grateful for their own preservation than Milo's; the absurdity of the contrary hypothesis being indicated by the ironical expression *nisi vero*, 'unless forsooth.'

sed tamen si...civitate, 'but still, I say, if the valour of a man of most unflinching resolution should have turned out to be less acceptable to his fellow-citizens than might have been expected, he would with high-minded courage retire from an unthankful state.' By the imperfect *cederet* after *cecidisset* in the foregoing clause, Cicero implies that Milo was *still* prepared to take that course, if circumstances should require it. The expression *cecidisset* is used metaphorically, the metaphor being taken from the 'falling' or 'turning out' of lots: comp. *ad Q. Fratrem*, I. 3: '*sed certe a te mihi omnia semper honesta et jucunda ceciderunt; a me tibi luctus meæ calamitatis, metus tuæ.*'

§ 82. *sine maximis dimicationibus meis*, 'without the greatest struggles on my part:' comp. *pro Plancio*, c. 32. § 77:—'*nullas sibi ille neque contentiones neque inimicitias, neque vitæ dimicationes nec pro republica nec pro me defugiendas putavit.*'

§ 83. *Ahala...nosmetipsi*. See notes on § 8.

hujus beneficii gratiam, 'thankfulness for this blessing:' comp. *de Fin.* III. c. 22. § 73:—'*nec vero pietas adversus deos, nec quanta his gratia debeatur, sine explicatione naturæ intelligi potest.—fortuna populi Romani.* See above, § 6.

qui nullam...divinum, 'who does not believe in any divine power or influence.' Comp. *in Verr.* IV. c. 49: '*multa sæpe prodigia vim ejus (Cereris) numenque declarant.*' *Numen* is a contracted form of *nuimen*, derived from *nuere*, 'to nod;' and hence it came to signify divine direction or providence. The original meaning of *numen* is found in Lucretius II. 633:

Terrificas capitum quatienteis numine cristas.

For the secondary meaning, comp. *Lucr.* III. 144:

*Cætera pars animæ, per totum dissita corpus,
Paret et ad numen mentis momēnque movetur.*

vicissitudines rerum atque ordines, 'the regular and periodic changes in nature.'

CHAPTER XXXI.

§ 84. *est, est...motu*, 'there is, there is, assuredly, that power; nor can it be that in these bodies, and in our present frail condition, there exists a certain active thinking principle, which does not exist in nature's revolutions in all their vastness and their grandeur.'—*quod vigeat et sentiat*: comp. *pro Sext.* c. 21. § 47: 'ut alii dicerent animos hominum sensusque morte restingui, alii autem tum maxime mentes sapientium ac fortium virorum quum e corpore excessissent sentire ac vigere.'

nec cernitur. See notes on § 79.

sapimus...providemus, 'we exercise sense and forethought;' *sapimus*, in Greek *φρονούμεν*: comp. *Ep. ad Divers.* xiv. 1. § 1:—'quid ego de Cicerone dicam? qui quum primum sapere coepit, acerbissimos dolores miserasque percepit.'

igitur, 'well then:' used here in returning to the subject interrupted by the preceding digression, as in ch. 29. § 79: 'fingite animis, —liberæ sunt enim etc.—fingite igitur cogitatione.'

felicitates, 'pieces of good luck:' the plural occurs also in *Ter. Eun.* ii. 3, 33:

Neque quenquam ego esse hominem arbitror cui magis bonæ
Felicitates omnes aversæ sient.

opes, 'wealth,' in the general sense of 'prosperity,' like the Greek *πλοῦτος*. Comp. *pro Sext.* c. 1, § 1.

illam perniciem, 'that scourge;' viz. Clodius.

vi irritare, 'to provoke by violence:' *ferro lacessere*, 'to challenge with the sword.' Virgil uses the phrase 'ferrum lacessere' in the sense 'to offer battle,' *Æn.* x. 10:

Quæ contra vetitum discordia? quis metus aut hos
Aut hos arma sequi, ferrumque lacessere suasit?

§ 85. *ne mediocri quidem...cura*, 'nor indeed by any ordinary vigilance on the part of the immortal gods.'

religiones ipsæ, 'the very objects connected with divine worship:' such as temples, sacred groves and hills, altars, images, &c.; comp. *in Verr.* iv. c. 35: 'quem tibi aut hominem, invitis Diis immortalibus, aut vero deum, tantis eorum religionibus violatis, auxilio futurum putas?' See also ch. 27. § 73.

commosse se, 'to have bestirred themselves.'

jus...retinuisse, 'to have saved their own privileges in dealing with his case:' comp. *in Verr.* iii. c. 14: 'equites Romani qui suum jus retinere se contra Apronium posse erant arbitrati...vincti Apronio traditi sunt.'

imploro atque obtestor, 'I appeal to and adjure' (in proof of what I say): comp. in *Verr.* v. c. 72: 'ceteros item deos deasque omnes imploro atque obtestor.'

sociæ et æquales, 'associates and cotemporaries.' The allusion here is to the *Feriæ Latinæ* kept yearly by the Romans, on the Alban mountain, as members of the Latin confederation. They commenced on the twenty-seventh of April and lasted fifteen days. See Livy *xxi.* 63.

ille, præceps amentia, 'that crack-brained desperado:' *substructionum*, see notes on § 53: *oppresserat*, 'had buried beneath.'

vestræ tum, aræ...polluerat, 'your, yes, your holy influences were in activity at that moment, ye altars! your might prevailed, on which he by every kind of wickedness had cast a stain.'

ex tuo edito monte. The Alban mountain was nearly three thousand feet high (Gell, *Topography*, Vol. I. p. 54). The temple of Jupiter Latialis was built upon this mountain by Tarquinius Superbus, as a rendezvous for the forty-seven towns composing the Latin League, when their representatives assembled for the purpose of worship and feasting during the *Feriæ Latinæ*.

lacus. The Alban lake is described by Sir William Gell as 'one of the most beautiful pieces of water in the world, and in respect to scenery, beyond comparison the finest of those of purely volcanic origin in Italy; it is about two miles and a third in length, one and a third in width, and more than six miles in circuit.' *Topography*, Vol. I. p. 38.

§ 86. *sacrarium Bonæ Deæ*. See Introduction, § 3. The Bona Dea was a goddess whose worship was celebrated by Roman matrons in the house of the Pontifex Maximus, no male being allowed to take any part. See § 13.

teterrimam mortem obiret, 'he came by a most shocking death.'

judicio illo nefurio. Comp. Cicero's account of the trial of Clodius in a letter to Atticus (i. 16): 'si causam quæris absolutionis... egestas judicium fuit et turpitudine... Nam ut rejectio facta est clamoribus maximis, quum accusator tanquam censor bonus homines nequissimos rejiceret, reus tanquam clemens lanista frugalissimum quemque secerneret, ut primum iudices consederunt, valde diffidere boni ceperunt: non enim unquam turpior in ludo talario consessus fuit—maculosi senatores, nudi equites, tribuni non tam ærati quam, ut appellatur, ærarii.'

CHAPTER XXXII.

sine imaginibus. See notes on § 33.

sine cantu. The funeral procession was usually headed by musicians of various kinds, called *tibicines* and *cornicines*: see *Dict. of Antiq. art. Funus*.

ludis. 'games.' Gladiators were often employed to fight around the pyre of wealthy and distinguished persons, hence called *bustuarii*: comp. Hor. *Sat.* ii. 3. 84:

Hæredes Staberi summam incidere sepulchro;
Ni sic fecissent, gladiatorum dare centum
Damnati populo paria.

Players and buffoons sometimes formed part of the procession.

exsequiis. See notes on § 33.

lamentis. The women employed to raise the funeral wail (*nænia*) were called *præfixæ*: comp. Hor. *Od.* ii. 20, 21:

Absint inani funere næniæ
Luctusque turpes et querimonix;
Compesce clamorem et sepulchri
Mitte supervacuus honores.

laudationibus. See notes on § 33.

sine funere, 'without any funeral rites:' these words conclude the list, as *funus* is a comprehensive term, including all the rest.

oblitus cruore et luto. See Introduction, § 3.

spoliatus...celebritate, 'robbed of the attendance of relatives and friends at that closing scene:' for this use of the word *celebritas* comp. *de Legg.* ii. c. 26: 'sublata etiam erat celebritas virorum ac mulierum, quo lamentatio minueretur: habet enim luctum concursus hominum.'

Non fuisse...damnata esset, 'religion would not, I suppose, permit the effigies of highly distinguished ancestors to contribute any lustre to (the obsequies of) that most brutal murderer, or that in death he should be mangled on any spot but that on which his life had been condemned.' The word *mortem* is here poetically used for *mortuum*, in order to preserve the antithesis between it and *vita* in the next clause: comp. Propert. *Eleg.* ii. 13, 17:

Quandocunque igitur nostros nox claudet ocellos,
Accipe quæ serves funeris acta mei;
Nec mea tunc longa spatietur imagine pompa,
Nec tuba sit fati vana querela mei;
Nec mihi tum fulcro sternatur lectus eburno,
Nec sit in Attalico mors mea nixa toro.

§ 87. *medius fidius.* See notes on § 76.

quæ tot annos...pateretur, 'which for so many years beheld him trampling on this commonwealth, and suffered him to do it:' comp. Catull. 29, 5: 'hæc videbis, et feres.'

religiones, i. e. the worship of Bona Dea: see § 72.

vexarat...senatum, viz. by assigning provinces to Piso and Gabinius: see § 73.

omnium ordinum...resciderat, 'he had annulled measures that had been passed for the security of the commonwealth with the consent of all orders in the state.' This refers to the law obtained by Clodius for setting aside the proceedings of the senate in the case of Catilina's party, and declaring it penal to take the life of a citizen without trial.

Cn. Pompeio...indixerat. See § 18.

domum mei fratris incenderat. This happened on the eleventh of November, B. C. 57, as we learn from a letter to Atticus (IV. 3. § 2): 'armatis hominibus ante diem tertium Non. Novemb. expulsi sunt fabri de area nostra, disturbata porticus Catuli...Quinti fratris domus primo fracta conjectu lapidum ex area nostra, deinde inflammata jussu Clodii.'

vastarat Etruriam. See § 26.—*multos...ejecerat*. See §§ 74, 75. *capere*, 'to contain;' (in Greek, *χωρεῖν*): comp. Demosth. *Philipp.* III. p. 118: οὐθ' ἡ Ἑλλάς οὐθ' ἡ βάρβαρος τὴν πλεονεξίαν χωρεῖ τάνθρωπον.

incidebantur jam...addicerent, 'laws were already being engraved at his house which were to hand us over to our own slaves.' Asconius says that amongst the other projects of Clodius was one to allow sons of freedmen, (*libertini*) who could only vote in the city-tribes, to vote also as members of the country-tribes.—*incidebantur*. Laws, when passed, were engraved on bronze tablets: comp. *Philipp.* I. c. 10. § 26: 'quid tum? quod erit ita gestum id lex erit; et in æs incidi jubebitis, credo, illa legitima: CONSULES POPULUM JURE ROGAVERUNT POPULUSQUE JURE SCIVIT.' Cicero here speaks rhetorically, meaning to say that Clodius felt quite sure of obtaining his object as prætor.

adamasset, 'had taken a fancy to.'

§ 88. *ipsum illum*. Pompeius. See ch. 8. § 21.—*devinctum*, 'bound hand and foot.'

CHAPTER XXXIII.

ut supra dixi. See ch. 31. § 84.

suo jure, 'by its own jurisdiction:' comp. *Philipp.* IV. 4: 'omnes enim in consulis jure et imperio debent esse provinciæ.'

eum circumscripsisset, 'would have set limits to his power;' comp. *Philipp.* II. 22: 'circumscriptus a senatu Antonius.'—*Credo* is here used ironically, 'I suppose.'

ne quum...profecerat, 'even when it was in the habit of so doing, it had been of no avail in dealing with this very man, before he was in office.' In the text, for *id facere in privato eodem hoc, aliquid profecerat*, read *id facere, in privato eodem hoc aliquid profecerat*.

§ 89. *suos consules*, 'consuls of his own side;' viz. Hypsæus and Scipio. Comp. *pro Quint.* c. 6: '*utebatur populo sane suo*.' Horace also uses *non suus* in the sense of 'unfavourable;' *Epod.* 9. 30:

Aut ille centum nobilem Cretam urbibus,
Ventis iturus non suis;
Exercitatus aut petit Syrtes Noto,
Aut fertur incerto mari.

per quem...meminisset, 'when he remembered that it was through him as tribune that consular worth had been most cruelly persecuted.' He here alludes to the conduct of Clodius towards himself in the year when he procured his banishment for the proceedings against Catilina and his party, during the consulate of Cicero, B. C. 63. For the use of *virtus* in the abstract, comp. Hor. *Od.* III. 24, 30:

quatenus (heu, nefas!)
Virtutem incolumem odimus,
Sublatam ex oculis quærimus invidi.

lege nova...suos fecisset. See notes on § 87 and § 33.

homo...virum. The difference between *vir* and *homo* is here strongly marked, a difference as great as that between 'gentleman' and 'man' or 'fellow,' in English.

§ 90. *ille vero consul*, 'aye, and as consul too.'—*ille denique vivus*, 'would he, in short, if alive at all:' comp. Tac. *Ann.* VI. c. 22: '*non initia nostri, non finem, non denique homines diis curæ*.'

curiam. The senate held its sittings at this time in the *Curia Hostilia*, built by king Hostilius; see Liv. I. 30.

Templum sanctitatis. Comp. Virg. *Æn.* I. 422:

Jura magistratusque legunt sanctumque senatum.

mentis, 'of intelligence.' Comp. *de Harusp. Resp.* c. 27: '*senatum ipsum, principem salutis mentisque publicæ,...pervertit*.'

aram sociorum, 'the asylum of our allies.' Comp. Ov. *Heroid.* I. 110: '*tu citius venias portus et ara tuis*.'

portum, 'the harbour of refuge.' Comp. *de Off.* II. 8: '*regum populorum nationum portus erat et refugium Senatus*.'

funestari, 'contaminated;' i.e. by a dead body. Comp. *pro C. Rabir. Perduell.* c. 4: '*uter nostrum tandem, Labiene, popularis est:—tunc qui...crucem ad civium supplicium defigi et constitui jubes, an ego qui funestari concionem contagione carnificis veto?*' See also *pro Font.* c. 10. § 31.

ustor, 'as torch-bearer.' This was the technical term for a person employed in burning the corpses of the poor previously to burial, the place where they were burnt being called *ustrina*. The occupation was considered low and menial, as appears from the following passage of Lucan, viii. 736 :

Da vilem Magno plebei funeris arcam,
Quæ lacerum corpus siccos effundat in ignes;
Robora non desint misero nec sordidus ustor.

Comp. Catullus, lxx. 2 :

Uxor Meneni, sæpe quam in sepulcretis
Vidistis ipso rapere de rogo cœnam,
Cum devolutum ex igne prosequens panem
Ab semiraso tunderetur ustore.

Joseph Scaliger, in his note on this passage, remarks that convicts and galley-slaves had one side of their heads shaven (*semirasi*). Some MSS. and Edd. read *ultor*, but the reading *ustor* is far preferable, as better preserving the antithesis between *ustor pro mortuo* and *signifer pro vivo*, the occupation of 'a standard-bearer' (*signifer*) being deemed an honour. Hence there is here an 'argumentum a minori ad majus.'

§ 91. *et sunt qui...querantur*, 'yet there are those who appeal to our feelings about the Appian Road.' See § 18. For this use of *et* comp. *Philipp.* i. c. 8 : 'et vos acta Cæsaris defenditis, quæ leges ejus evertitis!'

et qui ab eo...curia, 'and who fancy that the Forum could have been defended against the breathing form of him, against whose corpse the chamber of the Senate was not proof!'

cujus vix...insepulti, 'when you find it hard to withstand the demon of his uninterred remains.'

cum falcibus, 'with bills.' The *fulx* was an instrument employed in sieges, for the purpose of tearing down walls; see *Cæs. B. G.* iii. 14. vii. 22. *Falces* are mentioned by Cicero among the arms sent by Lentulus to Catilina; *pro Sulla*, c. 5. § 17. They appear to have been used on the present occasion in breaking into the temple of Castor. Some edd. read *facibus* in this as well as the preceding clause, but there is no evidence that any attempt was made to burn the temple.

ad Castoris, 'to the temple of Castor,' *ædem* being understood, as when we speak of 'St Paul's.' This temple was used for various purposes, and amongst others as a treasury; comp. *pro Quint.* c. 4. § 17 : 'hoc eo per te agebatur quod propter ærariam rationem non satis erat in tabulis inspexisse quantum deberetur, nisi ad Castoris quæsisset quantum solveretur.' The object therefore of the assailants was, probably, plunder. For a description of this temple see in *Verr.* i. c. 49, 50.

volitarunt, 'hovered about the Forum in all directions.' Comp. in *Pison*. c. 12: 'cum vis latrocinii vestri tota urbe volitaret;' *de Orat.* i. c. 38: 'nam volitare in Foro, hære in jure ac prætorum tribunali- bus, judicia privata magnarum rerum obire...insignis est impudentiæ.'

concionem gladiis disturbari, 'a public meeting broken up and dispersed at the point of the sword.' See Introduction, § 4.

M. Cælius. Cicero thus speaks of Cælius in his *Brutus*, c. 79: 'talīs tribunus plebis fuit, ut nemo contra civium perditorum popularem turbulentamque dementiam a senatu et a bonorum causa steterit constantius.' See Introduction, § 4.—*in suscepta causa firmis- simus*, 'most determined in his attachment to any cause he had espoused:' see Introduction, § 7.

in hac...singulari, 'in Milo's present peculiarly odious position,—or, if you please, his extraordinary luck.' In the text the comma should be placed after *singulari*, instead of *fortuna*.

CHAPTER XXXIV.

§ 92. *ego etiam...exposco*, 'which I, however, in spite of his reluctance, sue for and urgently entreat you to bestow.'

Nolite...ei parcere. Plutarch, in his life of *Cicero*, 35, says that Milo's carelessness about the trial contributed greatly to his condemnation: εὐθαρσῶς καὶ ἀνδρείως παρίστασθαι τῷ ἀγῶνι καὶ κόμην θρέψαι, καὶ μεταβαλεῖν ἐσθῆτα φαιὼν ἀπαξιῶσαι ὑπὲρ οὐχ ἥκιστα δοκεῖ συναίτιον αὐτῷ γένεσθαι τῆς καταδίκης.—*hoc*, 'on this account;' probably an elliptical expression for *propter hoc*; comp. *Hor. Sat.* i. 1, 46:

Millia frumenti tua triverit area centum;
Non tuus hoc capiet venter plus quam meus.

Haud scio an...magis, 'I am not sure that he does not even deserve your aid a great deal more in consequence.' *Haud-scio-an* is a phrase equivalent to 'perhaps,' when, as in the present instance, the three words coalesce into one; but they are also sometimes used in a negative sentence and with their literal meaning, 'I know not whether,' as in the following passage: 'atque haud scio an malim te videri nullo pudore fuisse...quam aut te videri pudentiorē fuisse quam soleo, aut, &c.;' in *Pison*. c. 17.

in infimi...fortuna, 'where the standing and fate of men belonging to the lowest classes is concerned:' i. e. of captives, slaves, and convicts. Comp. *de Off.* i. c. 13: 'est autem infima conditio et fortuna servorum.'

timidos...odisse solemus. The spectators decided the fate of a fallen

gladiator by pressing down their thumbs, if they admired his courage and wished his life to be spared, or turning them up and ordering him to submit to the sword (*ferrum recipere*), if they were dissatisfied and wished him to be killed. Comp. Juv. Sat. i. 3, 36 :

Munera nunc edunt et verso pollice vulgi

Quemlibet occidunt populariter.

eorumque...efflagitant, 'and we feel more pity for those who do not look for our commiseration than for those who beg hard for it.'

§ 93. *me quidem...quotidie*, 'as for myself, these remarks of Milo, which I am continually hearing, and which he utters in my presence daily, take all life and spirit out of me.'

incolumes, 'safe,' in the sense of 'unharméd' or 'in good condition:' thus it is opposed to *victus* in the speech *de lege Manil.* c. 9: 'itaque tantum victus efficere potuit quantum incolumis nunquam est ausus optare.' *Tutus* is 'safe from danger.'

quoquo modo...de me, 'however she shall deserve of me.'

perfruantur, 'let them have full enjoyment.'

at carebo mala, 'I shall not, at all events, have anything to do with one that is bad;' see notes on § 18. For *at* after *si non* in the sense of 'at any rate,' comp. *pro Quint.* c. 31: 'Quintius Nævium obsecravit ut aliquam, si non propinquitatis, at ætatis suæ, si non hominis, at humanitatis rationem haberet.'

bene moratam, 'well-ordered.'

§ 94. *cogitationes inanes meæ*. See notes on § 79.

me senatui dedissem, 'had devoted myself to the Senate.'

qui omnem...abjecerant, 'who had abdicated all their influence as useless in consequence of the armed force of Clodius.' Comp. *de Orat.* ii. c. 52: 'si quam gloriam peperisse videatur, etsi ea non sit iniqua merces periculi, tamen ea non delectari totamque abjicere atque deponere.'

tui, 'your best friends:' or perhaps, 'your own brethren,' as Cicero himself belonged to an equestrian family.

Italiæ voces. See § 39.

CHAPTER XXXV.

§ 95. *omnia circumspicientibus pericula*, 'who are on the look-out for every danger:' comp. *in Catil.* iv. c. 2: 'quare, patres conscripti, incumbite ad reipublicæ salutem; circumspicite omnes procellas quæ impendent nisi providetis.'

Plebem...deleatret, 'he reminds us that with respect to the plebs and the lowest masses of the people, which under the guidance of

P. Clodius were ever menacing your welfare, he took measures not only to control them by his worth, but also to throw a sop to them with the help of his three fortunes, in order that your lives might be more secure.' For the phrase *eam se fecisse ut flecteret*, comp. *Lael. c. 12*: 'invitus feci ut Flaminium e senatu ejicerem.' See also *de Off.* i. 31.

tribus suis patrimoniis. Asconius supposes that one of these fortunes was derived from the Papian family; another from the Annian, into which he had been adopted; and the third from his mother.

muneribus, 'by public exhibitions.' See Introduction, § 2, n. 7. Comp. Plin. *H. N.* xxxvi. 15: 'ipsum Milonem sestertium septingenties æris alieni debuisse inter prodigia animi humani ducō.'

vestrorum ordinum. See notes on § 4.—*occursationes*, 'friendly advances;' comp. *pro Planc.* c. 12: 'facilis est illa occursatio et blanditia popularis.'—*sermones*, 'kind expressions.'

§ 96. *vocem præconis*. When the election of prætors or consuls was over, a crier (*præco*) announced (*renuntiavit*) the person on whom the choice of the people had fallen. Comp. *in Verr.* v. c. 15: 'tu quum esses prætor renuntiatus, non ipsa præconis voce excitatus es, qui te TOTIES SENIORUM JUNIORUMQUE CENTURIIS ILLO HONORE AFFICI pronuntiavit?'—*quam minime desideravit*, 'of which he was in no want at all.'

nunc denique...obstare, 'he remembers also that even now at the last moment, if these arms are meant to be turned against himself, that which stands in his way is, not the charge of having committed a crime, but the suspicion that he has some bad design.' Comp. Vell. Paterc. ii. 47: 'Milonem reum non magis invidia facti quam Pompeii damnavit voluntas.' The antithesis here is between *facinoris* and *facti*. *Facinus* is sometimes used to denote 'an intrigue,' as in § 73, or 'a bad design,' as in Ovid. *Trist.* iv. 4, 43:

Ergo ut jure damus poenas, sic abfuit omne
Peccato facinus consiliumque meo.

The meaning of *facti crimen*, on the other hand, is clearly marked in Juv. *Sat.* v. 13, 210:

Nam scelus intra se tacitum qui cogitat ullum
Facti crimen habet.

quibus ea res...civibus, 'for whom such conduct has gained honour from their fellow-citizens.' Comp. Thuc. vi. 15: *ὡν ἐν ἀξιώματι ὑπὸ τῶν ἀσπῶν*.

qui beneficio...vicerint, 'who have outdone their fellow-citizens in good services.'

§ 97. *si esset...præmiorum*, 'if the rewards must be taken into consideration.'

cujus gradibus...adscendere, 'by the steps of which even human beings seemed to mount to heaven.' Comp. *Paradoxa*, I. 2: 'quibus tandem gradibus Romulus escendit in cœlum? iisne quæ isti bona appellant, an rebus gestis atque virtutibus?'

§ 98. *nulla...vetustas*, 'no distant age shall ever cease to make mention of me.' Comp. Virg. *Æn.* x. 792:

Si qua fidem tanto est operi latura vetustas.

quum omnes...subjiciantur; literally, 'though brands of every kind are being applied by my enemies to the flame of ill-will against me:' according to our idiom, 'though every means is being used by my enemies to fan the flame of ill-will against me.' See notes on § 75, and comp. Vell. Pater. II. 48: 'bello autem civili...non alius majorem flagrantioremq; quam C. Curio tribunus plebis subjecit facem.'

omni sermone celebramur, 'we form the theme of every conversation.'

Omitto...dies, 'I pass over the Etrurian festivals, both kept (already) and appointed to be kept (hereafter)': i. e. to celebrate their deliverance from the depredations of Clodius, mentioned in §§ 26, 74.

centesima...altera, 'it is now a hundred and two days, I think, since Clodius perished.' The *et* is generally omitted, as in Liv. III. 33: 'anno trecentesimo altero'; and sometimes *alter* is put first, as in Cic. *ad Fam.* XII. 2: 'altero vicesimo die' (the two-and-twentieth day). The speech was delivered, according to Asconius, on the eighth of April, and Clodius was murdered on the twentieth of January; there was therefore an intercalary month of twenty-three days between the twenty-third and twenty-fourth of February. See *Dict. of Antiq.*, art. *Calendar*, (*Roman*) pp. 179, 180, and Introduction, § 6, n. 42.

CHAPTER XXXVI.

§ 99. *Te quidem quod...possum*, 'yourself, indeed, I cannot praise enough for manifesting such a temper.' Many editions read *quum* instead of *quod*, but it is doubtful whether *quum* was ever used with an *indicative* in the sense of 'since,' that is, with a purely causative signification.

nec vero...accessero, 'and besides, if you are snatched from me, I have not still left me that usual power of protest for my comfort notwithstanding (your removal), that I could vent my spleen on those at whose hands I should (in that case) have received so deep a wound.' Observe, *tamen* is to be taken in connexion with the words *illa ad consolandum querela*, and not with *reliqua est*.

aliquando, 'at some time:' *semper*, 'at all times.'

Nullum unquam...feceritis, 'there is indeed no pang that you will ever cause to rankle in my breast so deeply,—and, though none could do so more deeply, I will say it even of this very pang to which I was alluding,—that I can ever forget the estimation in which you have always held me.' Comp. *Philipp.* xi. 15: 'tertio vero generi...importunissimorum hostium cupio quam acerbissimum dolorem inurere.'

quæ si vos cepit oblitio, 'and if such forgetfulness has come over you.'—*si aliquid in me offendistis*, 'if you are affronted at any thing in my conduct.' Obs. *me* is in the *ablative*, not the *accusative* case.—*luitur*, 'visited.'

si quid mihi acciderit. See notes on § 58.

§ 100. *amoris*, 'of affection: ' *studii*, 'of zeal: ' *pietatis*, 'of attachment: ' *officium*, 'service.'

Ego inimicitias...appetivi, 'it was I who courted the enmity of the great and powerful, on your behalf.'

bona...contuli, 'I have staked my own and my children's fortune with yours, to share alike in all that may befall you.'

dimicatio capitis, 'struggle for life and death.' Comp. *pro Balbo*, c. 9: 'quæ sæpe se telis hostium, qui dimicationi capitis, qui morti objecerit.' The other reading *diminutio capitis*, adopted by Matthæi, does not accord well with the preceding words *si qua vis est parata*.

deposco, 'I put in a claim: ' comp. *ad Att.* xiii. 11: 'sed hanc mihi dispensationem pro paterna necessitudine et conjunctione deposco.'

non recuso, 'I make no objection: ' *non abnuo*, 'I am content.'

vosque obsecro...videatis, 'and I beg of you, judges, either to add to the sum of your favours already conferred on me, in case the defendant shall escape, or to perceive that, in case of his ruin, those favours will most likely fall to the ground.'

CHAPTER XXXVII.

§ 101. *mortem...penam*, 'that death is the termination of our being, and no penalty.' That this was the opinion of Cæsar also appears from a speech ascribed to him by Sallust, *Cat.* c. 51: 'de pena possumus equidem dicere, id quod res habet, in luctu atque miseriis mortem ærumnarum requiem, non cruciatum esse; eam cuncta mortalium mala dissolvere; ultra neque curæ neque gaudio locum esse.' Comp. Cic. *in Cat.* iv. 4, where Cicero intimates that the popular belief in future punishments was encouraged by the ancients as a convenient check to crime in the present life: 'vitam solam re

linquit (Cæsar) nefariis hominibus, quam si eripuisset, multos uno dolore dolores animi atque corporis et omnes scelerum pœnas ademisset: itaque, ut aliqua in vita formido improbis esset posita, apud inferos ejusmodi quædam illi antiqui supplicia impiis constituta esse voluerunt, quod videlicet intelligebant, his remotis, non esse mortem ipsam pertimescendam.'

qua natus est, 'which is natural to him.' See § 68.

qui hanc virtutem excipiat, 'to welcome merit such as this.' See notes on § 89.

huic judicio præsentibus, 'affording your protection to this court.' Comp. Liv. xxii. 11: 'alii ut urbi præsiderent relictī.'

hæc tanta...proficietur, 'shall such extraordinary merit as this be driven out from this city, expatriated, cast adrift?' Comp. Demosth. (?) κατά 'Αριστογ. p. 798, Reiske: δεῖ δὴ...τοῦτο τὸ θηρίον ὑμᾶς ἐξορίσαι, βίψαι ἐκ τῆς πόλεως, δνελεῖν.

§ 102. *per hos*, i. e. the senators, knights, &c., of whom the jury was composed.—*parentem alterum*, 'a second parent.'

qui nunc abes. Quintus Cicero was at this time acting as Cæsar's legate in Gaul.

a quibus non potuisse? 'against whom was I unable' (to protect Milo)? For this sense of the preposition *a* after *tueri*, comp. notes on § 91.

P. Clodii morte acquierunt, 'felt relieved by the death of P. Clodius.' Comp. *ad Fam.* iv. 6: 'literis lectis aliquantum acquievi.' In *P. Clodii morte acquierunt* would mean, 'felt satisfaction at his death.'

§ 103. *quodnum...dolores*, 'why, what great wickedness was I guilty of, what enormous offence did I commit, when I tracked, laid bare, dragged forth to light, and eradicated these evidences of an approaching general calamity? This is the well-spring of all the sorrows that have overwhelmed me and my friends.' Comp. *pro Sext.* c. 69: 'quod tantum est in me scelus? quid tantopere deliqui illo die quum ad vos indicia, litteras, confessiones communis exitii detuli?'

CHAPTER XXXVIII.

pace tua...dicam pie, 'forgive the wish, my country; for I fear lest in using these expressions of devotion to the cause of Milo, I may, so far as thou art concerned, be uttering treason.'

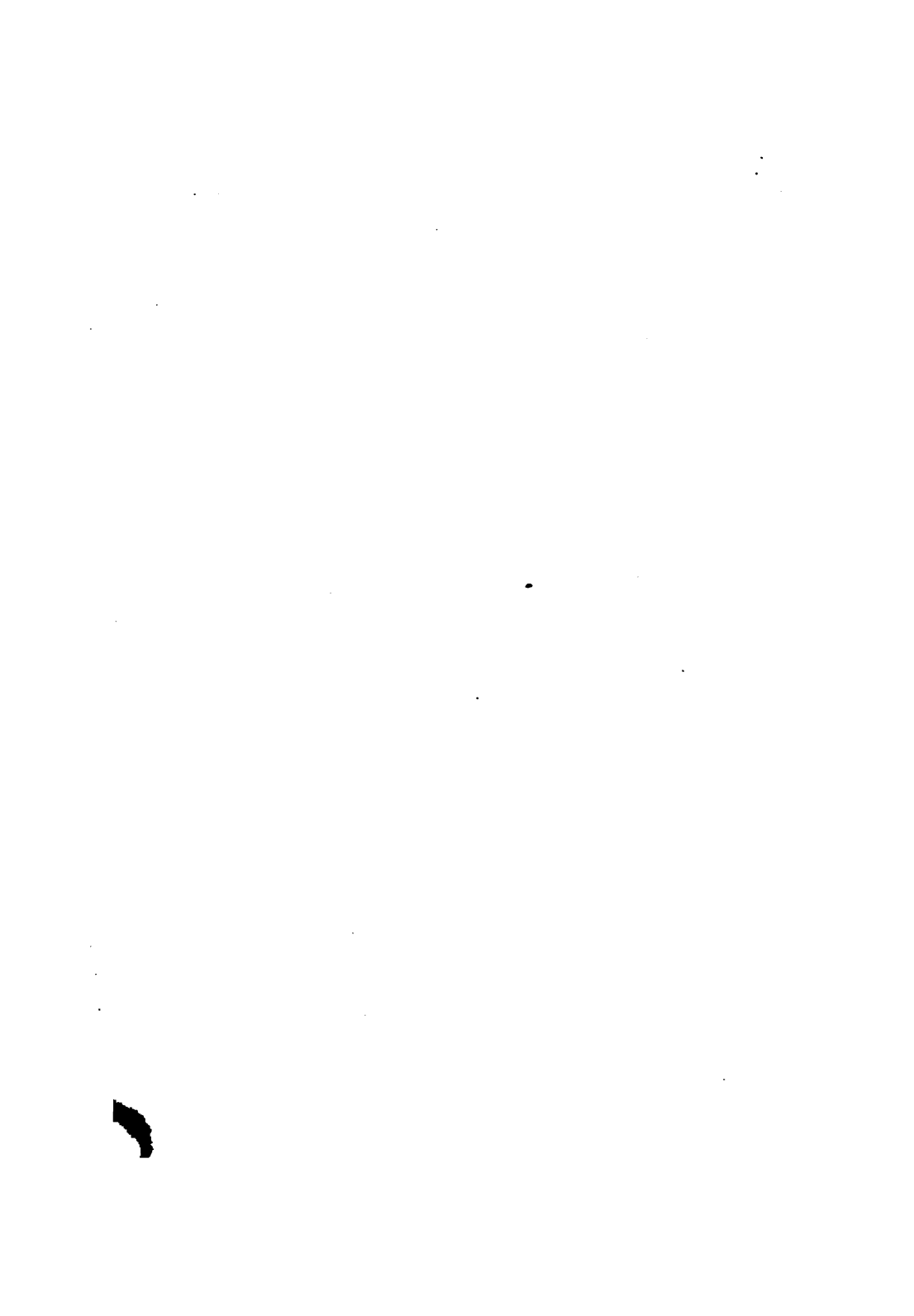
§ 104. *immo vero*, 'no! rather than that:.' Milo is here supposed to speak.—*patriæ natus*, 'born for his country's good.'

si forte, 'it may be.' In Greek, εἰ τύχοι.

animi monumenta, 'the memorials of his genius:' i. e. the peace and tranquillity which he had procured.

§ 105. *neque enim...jam loqui possum*, 'and indeed I can no longer speak for tears.' Comp. *pro Planc.* c. 41: '*nec loqui præ mœrore potuit.*'

vestram virtutem...delegit. This closing sentence is intended to remove the impression that Pompeius was unfriendly to the cause of Milo.



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